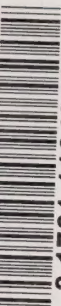


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ROYAL COMMISSION
INQUIRY INTO LABOUR DISPUTES

5632

HEARINGS HELD AT

TORONTO

VOL. NO.

34

DATE

MAY 5, 1967

Official Reporters

NETHERCUT & YOUNG LIMITED
48 YORK STREET
TORONTO 1, ONTARIO
TELEPHONE 363-3111

IN THE MATTER OF The Public
Inquiries Act, R.S.O. 1960,
Ch. 323

- and -

IN THE MATTER OF an Inquiry
Into Labour Disputes

BEFORE: The Honourable Ivan C. Rand,
Commissioner, at 123 Edward
Street, Toronto, Ontario, on
Friday, May 5th, 1967.

E. Marshall Pollock Counsel to the Commission

APPEARANCES:

Mr. J. Perkins)	The Automotive Transport
Mr. Harold Place)	Association of Ontario
Mr. Gordon Mackan)	
Mr. John Essery)	
Mr. Russell McDiarmid)	
Mr. John Nickel)	

Nethercut & Young Limited, Official Reporters, 48

York Street, Toronto, Ontario. Per T.F. Conlin, sworn.

C/m

Toronto, Ontario

Friday, May 5th, 1967

---On commencing at 10:00 a.m.

MR. POLLOCK: The Automotive Transport Association of Ontario. Mr. Sommerville is general counsel.

MR. SOMMERVILLE: I appear on behalf of the Automotive Transport Association. With me is Mr. John B. Essery, Chairman of our committee. Mr. Joseph Perkins, Mr. Harold Place, Mr. Gordon Mackan and Mr. Russell McDiarmid.

Now, this is the first opportunity I have had to address the Commission and what I would propose this morning is, rather than read the brief that has been filed with you, to bring before you, and perhaps go over, some of the recommendations in the brief and then bring before you further factual material supporting some of the matters in the brief. As you can see from the counsel table, I do have some material in the nature of exhibits which may be of interest to the Commission, and it will be instances dealing with our main thesis that will supplement the material that is in the brief.

Speaking generally of our brief, it is a fact brief, I suppose, rather than a law brief, and we felt that our prime function and the main purpose that we could serve for the Commission's purpose, would be to supply such

1 factual material as we can, dealing with the
2 experience we have had in the specific field of
3 labour relations, in which we are interested, and
4 with that in mind, present the material in the way
5 in which it is presented.

6 The first two-thirds of our brief
7 then, is made up of factual material, merely
8 relating certain incidents and certain facts. I
9 believe it is safe to say, Mr. Commissioner, and
10 I think the position we have taken here can be
11 summarized in these words, that we are showing, or
12 attempting to show, and we think we have demonstrated
13 a pattern of violence and intimidation of a
14 particular union which goes far beyond isolated
15 or independent acts by individuals, and in fact,
16 it displays a pattern, and a planned pattern in
17 our submission, in the use of violence and
18 intimidation and arson, as a tool or instrument
19 of policy by a particular union. That, in our
20 view, is the tenor and burden of the material which
21 we have placed before you, by way of factual
22 information.

23 We then continue to make certain
24 recommendations and we don't say for a moment
25 that the recommendations are as exhaustive or as
26 detailed as perhaps they ought to be, but we made
27 certain recommendations which would have the
28 effect, in our submission, of minimizing and
29 perhaps preventing the kind of abuse that we think
30 is displayed by the factual information that we

1 presented in the early part of the brief.

2 Would it be your wish, then, Mr.
3 Commissioner, that we now go through the submissions
4 or should I present the additional, factual material
5 first?

6 THE COMMISSIONER: Well, you just
7 use your own judgment about that.

8 MR. SOMMERVILLE: Thank you. With
9 that in mind, then, I will ask Mr. Perkins to
10 come forward and lead certain details from him
11 which would supplement the material that is in
12 the brief. Mr. Perkins is President of Taggart
13 Service Limited, which is the company referred to
14 in the first series of incidents outlined in our
15 brief.

16 MR. POLLOCK: There seems to be
17 another member at the table I don't have a name for.

18 MR. SOMMERVILLE: Mr. John Nickel
19 is the representative of our Association. He
20 is our Public Relations Officer.

21 I am going to ask Mr. Perkins to
22 take over now and I may ask him certain questions.

23 Mr. Perkins, what is your position
24 with Taggart Services?

25 MR. PERKINS: I am President of
26 Taggart Services.

27 MR. SOMMERVILLE: You have read
28 the brief that is filed here and you are familiar
29 with the facts contained therein?

30 MR. PERKINS: I am.

1 MR. SOMMERVILLE: Would you, for
2 the Commission, outline certain material in addition
3 to the facts that are set out, dealing with the
4 events in your strike from August 17th to December,
5 1966, thinking about events in Montreal and other
6 places?

7 MR. POLLOCK: Mr. Sommerville, if
8 Mr. Perkins would rather sit down, he is free to
9 do that.

10 THE COMMISSIONER: And there is
11 no limitation on the strength of voice.

12 MR. PERKINS: Thank you. Dealing
13 specifically with the events that happened during
14 our strike which commenced on August 17th, 1966
15 and lasting on until January of 1967, during that
16 time we were subject to a terrific degree of
17 violence and intimidation, starting on the evening
18 of the 17th.

19 I was in Montreal on that evening -
20 that is the evening of the 17th of August - and at
21 6:00 o'clock that evening, 60 to 70 picketers
22 surrounded our premises.

23 MR. SOMMERVILLE: Who were these
24 people?

25 MR. PERKINS: I don't know who
26 they were. They were not our employees. Our
27 employees were out doing their job of picking up
28 freight in the City of Montreal at the time, and
29 when they returned to the terminal, they were
30 accosted by these picketers and told to either get

1 on the picket line or get home, and to stop working.

2 MR. POLLOCK: Were the picketers
3 carrying any signs that you could identify them by?

4 MR. PERKINS: Yes, they were members
5 of Local 106 of the Teamsters' Union.

6 THE COMMISSIONER: Where does that
7 have its centre?

8 MR. PERKINS: In Montreal, it is
9 the local representing the Montreal district.

10 These men, we learned, were recruited
11 from union shops in the City of Montreal and were
12 sent out to intimidate our men. Some of the men
13 did go on the picket line from intimidation, and
14 others went home to avoid being injured and others
15 stayed on the job and decided to continue with
16 their duties.

17 MR. POLLOCK: I take it, as a
18 point of background that your company does not
19 have a union?

20 MR. PERKINS: Yes. At the time
21 of August 17th, we had been certified by the
22 Teamsters in July of 1964, but there was never a
23 contract entered into between the company and
24 the union.

25 MR. POLLOCK: There had been
26 notices served to negotiate but negotiations never
27 came to fruition in the contract.

28 MR. PERKINS: Yes. The union
29 inherited an Association contract which was in
30 effect at the time of certification in July of 1964.

1 That contract they cancelled by notice, by
2 registered mail as of August 31st, from 1965. And
3 from that time on there were negotiations between
4 the union and the company for a new contract.
5 A conciliation officer was appointed in January
6 of 1966, a meeting was held and a Mr. Emerson
7 was the conciliation officer.

8 MR. POLLOCK: From the federal
9 Department of Labour?

10 MR. PERKINS: Yes, from the federal
11 Department of Labour. A meeting was held on the
12 25th day of January. A subsequent meeting was
13 held on the 10th day of February and Mr. Emerson
14 had an agreement by the union and the company
15 that a third meeting should be held, subsequent
16 to the signing or completion of the labour contract
17 or dispute, which was in effect between the 55
18 Teamster companies in the union at that time.
19 We felt that a third meeting should be held after
20 that settlement so they would be getting better
21 guidelines from which to work within. The third
22 meeting never came about. The union decided that
23 they didn't want a third meeting and moved to
24 form a conciliation board. The board met in the
25 first session on June 14th of 1966 and the last
26 meeting was on June 24th. Nothing happened after
27 that except I had a phone call from the chairman
28 of the conciliation board, a Mr. O'Connor, asking
29 if I would meet him in a private session with Mr.
30 McDougall, the representative of the Teamsters' Union,

1 himself, and just the three of us.

2 MR. POLLOCK: Is that Ken McDougall?

3 MR. PERKINS: Yes, Ken McDougall.

4 MR. POLLOCK: He is formerly of 938?

5 MR. PERKINS: Yes, 938. He was
6 the negotiator of all the sessions we sat in on.

7 MR. POLLOCK: The negotiations were
8 taking place in Toronto?

9 MR. PERKINS: No, the negotiations
10 took place in Ottawa up until that time. I had
11 a phone call, as I said earlier, from Mr. O'Connor
12 asking if he thought I would be agreeable to meeting
13 once more before he wrote his report. I advised
14 him that I was agreeable to meet again if any
15 solution could be arrived at, and a date was set
16 to meet at 12:00 noon for lunch at the Royal York,
17 August the 10th, only to get advice about a week
18 prior that the meeting had been cancelled by the
19 union and no further meetings would be negotiated.

20 MR. POLLOCK: What local was the
21 certified bargaining agent? Was it 938?

22 MR. PERKINS: We come under three
23 in our company; 938, 106 and 91 - 91 taking the
24 Kingston-Ottawa area, 938 the Toronto area, and
25 106 the Quebec-Montreal area.

26 Mr. O'Connor wrote his report which
27 was handed to the Minister of Labour. There was
28 supposed to have been a strike vote taken amongst
29 our employees but no notice was served on the
30 company as to when there might be a strike or if

1 there were any further negotiations that would
2 attempt to heal any breach between us. The report
3 is clear and I have a copy of it here - of the
4 report from the members of the conciliation board.
5 But on August 17th, without warning at all, they
6 struck our main plants in Toronto, Montreal and
7 Kingston and Ottawa.

8 MR. POLLOCK: So far as the
9 legislation is concerned, they were in a free period
10 to strike?

11 MR. PERKINS: Yes, that is right,
12 they were in a free period to strike.

13 The strike vote, of course, I can
14 say this, it was not representative of the wishes
15 of the men because very few of our employees ever
16 attend a meeting to have an opportunity to vote for
17 or against the strike. That is borne out by the
18 fact that when the strike was called, better than
19 60 per cent of our men, even under severe intimidation,
20 elected to stay on the job and didn't go out on
21 strike, they stayed at work, proving emphatically ----

22 THE COMMISSIONER: Did you say 60 or
23 70?

24 MR. PERKINS: Better than 60 per cent
25 of the men elected to stay on the job.

26 MR. POLLOCK: How was certification
27 obtained? Was it a voluntary agreement or was
28 it certification on a vote?

29 MR. PERKINS: The ordinary
30 certification of the Teamsters, the Teamsters have,

1 since 1952, been attempting to have our group as
2 a bargaining group under the Teamsters and tried
3 on many occasions, and on every occasion they lost
4 the vote. In 1964 there was an application made
5 for certification, there was a hearing and the
6 federal Labour Board decided to have a vote and
7 the vote was lost by the Teamsters. The Teamsters,
8 under some move of theirs, they went to the Labour
9 Board and complained that the company held meetings
10 prior to vote and tried to point out that it was
11 intimidation and that the meetings held influenced
12 the vote and the Labour Board certified them as
13 a bargaining agent.

14 MR. POLLOCK: In other words, the
15 Canadian Labour Relations Board was satisfied there
16 had been some interference at least to the extent
17 that the employees interest would not be reflected
18 in a vote?

19 MR. PERKINS: To some degree it
20 is true, that was their findings. We, as amateurs
21 in this labour field, we didn't call any witnesses
22 on our side to prove our case. They did get a
23 few people in to cloud the issue enough to give some
24 doubt that there might be some intimidation, and
25 we, as I say, were amateurs and didn't do what we
26 should have done - to produce evidence that there
27 was no intimidation.

28 MR. POLLOCK: What was the nature
29 of their evidence?

30 MR. PERKINS: That there were meetings

1 held, a talk of shortening of hours which would
2 have been under their contract with our members
3 working 40 hours. There could be some piggyback
4 operations which we were never involved in up
5 to that time and we pointed out the difference
6 between the two contracts. I held two or three
7 meetings myself and there was no reflection of
8 anything at any meetings I held. There was one
9 meeting in Montreal and one witness got up and
10 said there was some degree of intimidation but
11 had we had other witnesses there - and we could
12 have had many witnesses at that same meeting which
13 would have painted a much better picture. We
14 tried hard, through our legal people to have a
15 subsequent hearing at which time we could produce
16 evidence but we were denied that right by the
17 Labour Board and the order stood for certification.

18 THE COMMISSIONER: Why weren't you
19 prepared?

20 MR. PERKINS: Your Honour, I guess
21 it is because of not being familiar with all the
22 ramifications of labour and management.

23 THE COMMISSIONER: But you were
24 represented by counsel, weren't you?

25 MR. PERKINS: Yes we were but our
26 legal people didn't advise us ----

27 THE COMMISSIONER: How long had you
28 been in business up to that time?

29 MR. PERKINS: In the transport
30 business, you mean? Close to 20 years.

1 THE COMMISSIONER: Well, you
2 certainly would have become familiar with labour
3 relations in that time.

4 MR. PERKINS: Actually, I must,
5 with embarrassment, say that I was not too familiar
6 with it at that time but, certainly, in the last
7 few months I have become much more familiar.

8 THE COMMISSIONER: Well, you have
9 been with the company since its formation, or since
10 its entering this business.

11 MR. PERKINS: No. I purchased
12 the company about 23 years ago.

13 THE COMMISSIONER: At that time
14 there was an agreement with some labour organization?

15 MR. PERKINS: Our employees had an
16 association formed among themselves to represent
17 them and we had a contract with them for 10 or 12
18 years, dealing directly with the men.

19 MR. POLLOCK: I think you said that
20 on several occasions before, the Teamsters had
21 attempted to displace this unit and were unsuccessful.
22 What was the date when they first lost their
23 organizational attempt?

24 MR. PERKINS: The dates exactly I
25 cannot give you.

26 MR. POLLOCK: Well, even approximately,
27 the years?

28 MR. PERKINS: Maybe 56 or 59, 1962
29 and the fourth time in 1964 and there might be one
30 more time in between that.

1 MR. POLLOCK: So far as the
2 chronology of these matters, there was about 10
3 year's experience with the Teamsters?

4 MR. PERKINS: That is right, this
5 is the first time. Any other time, the pattern
6 was that the Teamsters would have made application
7 for certification and there was a hearing at each
8 incident, there was a vote and the employees
9 voted against the union.

10 MR. POLLOCK: Did you have these
11 meetings before those votes as well?

12 MR. PERKINS: Yes. In fact, the
13 reason these meetings were held was that the
14 employees asked us to hold meetings to get the
15 answers to the questions, and we fulfilled that
16 request and we appeared before our own employees
17 to give them information as to what the Teamster
18 contract at that time/^{there}was no secret as to what
19 our men were already enjoying. And we appeared
20 for that reason because we were requested to.
21 But this is the first time, I believe, that the
22 union ever went back after losing a vote on this
23 new approach to upsetting a decision and complained.
24 And I believe our lawyer was not familiar with what
25 he should do because we certainly should have
26 brought witnesses to prove our point, but we did
27 not and we were not allowed the right to appear
28 later to give that evidence.

29 THE COMMISSIONER: Well, I suppose
30 you didn't ask for an adjournment?

So far as

chronology of these events, there was about 19

years' experience with the Teamsters?

MR. PROCTOR: That is right, this

is the first time. Any other time, the pattern

was that the Teamsters would have made an attempt

for certification and there was a pattern

incident, there was a vote and the employees

voted against the union.

MR. POLLE: Did you have these

meetings before these votes as well?

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employees asked us to hold meetings to get the

answers to the questions, and we fulfilled that

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union ever went back after losing a vote on this

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and I believe our lawyer was not familiar with what

he should do because we certainly should have

brung witnesses to prove our point, but we did

not and we were not allowed the right to appear

later to give that evidence.

THE COURT: All right, thank you.

THE COURT: All right, thank you.

1 MR. PERKINS: I believe our lawyer
2 did ask for an adjournment but I am not too sure
3 of it.

4 MR. POLLOCK: Go ahead Mr. Perkins,
5 please.

6 MR. PERKINS: Getting back to the
7 strike itself, and this is the background I am
8 trying to give you: When I arrived at the Montreal
9 terminal at 6:00 o'clock, as I said, there was
10 a large group of men there, none of which were
11 our employees. Our employees, of course, were
12 told to get out of the trucks and go home or get
13 on the picket line.

14 MR. POLLOCK: This was at 6:00 p.m.?

15 MR. PERKINS: Yes, 6:00 p.m. in
16 the evening.

17 MR. POLLOCK: Your office runs into
18 the night, does it?

19 MR. PERKINS: Well, our city trucks
20 pick up downtown in Montreal until 5:00 o'clock
21 and then come back into the terminal with the freight
22 they pick up during the day and load it on
23 trailers and it is sent out during the night to
24 western points - the Ottawa Valley and Kingston
25 and so on.

26 MR. POLLOCK: You have local
27 haulage as well as over-the-road?

28 MR. PERKINS: Yes, we have a very
29 large terminal in Montreal, a 35-door terminal from
30 which we assemble freight and distribute freight.

1 MR. SOMMERVILLE: This is not a
2 local business but it is the pickup and discharge
3 of goods in inter-city transportation.

4 MR. POLLOCK: I wasn't challenging
5 the constitution there.

6 MR. PERKINS: That evening, those
7 who elected to work started out to do their duties,
8 that is to take some units over to the piggyback
9 yard. Most of our units are moved over the
10 highway but some of them are moved by rail, by
11 piggyback. Three of our units started from our
12 terminal, which is situated in the Point Claire
13 industrial park - a very nice, west end industrial
14 area. They started up the service road paralleling
15 the Trans-Canada Highway and we had some trouble
16 getting them off the lot, with the picketers, but
17 our greatest trouble was just up the street which
18 we didn't anticipate. There were about 50 more
19 men up at the next intersection of a side street
20 running off the service road. They came out in
21 cars and surrounded these units and blocked the
22 passage of one, they dropped the trailer on the
23 street and they cut the air lines and the lights
24 and pulled the driver out of the cab and gave
25 him a bad maulling. The other two units escaped
26 that but they were caught as they went into the
27 piggyback yard through a dark detour, which we
28 were using at that time without any lights. They
29 were overpowered there, badly beaten and one man
30 we looked for two hours before we could find him.

1 He escaped in long grass and got away. The other
2 men made it, after a severe beating, to the piggyback
3 office. The trucks, in each case, every window
4 was broken out and the headlights and mirrors,
5 the instrument panels, everything was smashed to
6 pieces and both trailers were dumped on their nose
7 in the dark. The air lines were cut, the brake
8 hoses were cut, everything was cut. That was the
9 first night of the strike down there.

10 We gathered up our pieces and got
11 tow trucks and towed them away and brought them
12 back to our yard. No, we brought the trucks down-
13 town to General Motors' yard so they wouldn't be
14 molested any further. Then the trouble started.

15 These picketers were milling around
16 the front of our terminal.

17 THE COMMISSIONER: These were all
18 outside men?

19 MR. PERKINS: At that time, a few
20 of our men had joined the ranks, some of our men
21 had joined the ranks, but the great preponderance
22 of them were outside people, not our men at all.

23 THE COMMISSIONER: Did any of your
24 men participate in the assault on the trucks?

25 MR. PERKINS: No, not at that time.
26 These were all strangers and outside people.

27 MR. POLLOCK: Well, not to your
28 knowledge, anyway.

29 MR. PERKINS: Well, our drivers
30 who were assaulted, certainly couldn't identify them

1 as our men so that we know they were strangers.

2 Then they started storming our
3 place through a vacant lot, which I have a map of
4 here if it is of any help to show you what did happen.

5 MR. SOMMERVILLE: If I may approach
6 the table? This will be Exhibit No. 1, Mr.
7 Commissioner, being a plan of survey of the premises
8 of Taggart Services in Montreal.

9
10 EXHIBIT NO. 1: Plan of survey of the
11 premises of Taggart
12 Services, Montreal

13 MR. PERKINS: Our terminal is
14 plotted on that plan up there and the street
15 running west of that is Tecumseh. I drew a
16 square on the corner of Tecumseh there, illustrating
17 a telephone booth which is at that location and
18 the other little square is where the Teamsters
19 had a trailer unit parked as their headquarters
20 during the strike.

21 MR. POLLOCK: Is that a house trailer
22 type of thing?

23 MR. PERKINS: Yes. That street,
24 Tecumseh, was completely lined with cars on both
25 sides and they kept coming down through that
26 vacant lot with Molotov cocktails, big quart
27 gingerale bottles half filled with gasoline.

28 MR. POLLOCK: This lot is east of
29 you and Tecumseh?

30 MR. PERKINS: That is right. It

1 is west of our street and running up to that street.
2 It is the only property that is vacant now in that
3 area. There is long grass there and they kept
4 coming down through there all night and they, on
5 the night of the 18th, burned a unit right on our
6 lot, a trailer with a valuable load of aluminium
7 for export on it. They tried to prevent the
8 fire reels from getting in to put the fire out.
9 The police in Pointe Claire were unable to cope
10 with the mob violence at all and advised everybody
11 to stay under cover. They did bring in portable
12 search lights and set them up on top of our
13 equipment and tried to floodlight the field so
14 that we could see them coming at us. We regrouped
15 our equipment on the lot and put some in next to
16 the terminal and then moved others back from the
17 perimeter of the lot so that there would be a
18 no-man's land so that we could see them come out
19 of the grass onto our paved area, or our surfaced
20 area. That lasted right through Wednesday night,
21 Thursday night, Friday night was terrific because
22 I think there was some drinking on Friday night
23 that made it worse.

24 We had, at that time, not been able
25 to get a unit off our lot at all, other than the
26 three we had tried to get off the first night
27 that were really clobbered. We had men inside the
28 terminal and moving between the terminal by
29 police escort to hotel accommodation, waiting to
30 go to work during that time. Men who had come in

1 from Kingston and Pembroke and Perth and Ottawa
2 and many branches to bring freight out of Montreal
3 that night, we kept them there until Friday.

4 We finally got an injunction on
5 Friday, but too late to move anything. By
6 Saturday, we found that we had, of course, been
7 trapped with an awful lot of merchandise in our
8 terminal at that time, some of which was of a
9 very perishable nature, A & P fruits and vegetables
10 and baked goods and meats and while we had them
11 in refrigeration, we kept them running constantly
12 for a number of hours up until Saturday. We
13 finally decided that we must get rid of it because
14 it was going to spoil. We phoned all the charitable
15 organizations we could think of in Montreal,
16 including the Salvation Army and they did come in
17 on Saturday afternoon, after we did a lot of
18 negotiating with the Teamsters to get permission to
19 bring them on the lot to give the merchandise away.
20 We gave away something like six to seven thousand
21 dollars worth of choice merchandise. We gave it
22 away rather than see it spoil.

23 On Monday we started to move a
24 few units out of the lot and a few of our men got
25 out in the street but they were under terrific
26 harassment. Going up the highway they dropped
27 gasoline bombs from the overpasses, they stoned
28 our trucks ---

29 THE COMMISSIONER: What was the
30 extent of the injunction?

1 MR. PERKINS: The injunction was
2 to restrain the Teamsters from intimidation and
3 unlawful acts. They didn't restrict the number.

4 MR. SOMMERVILLE: I will file a
5 very bad copy, if I may, Your Worship.

6 MR. POLLOCK: Is that from the
7 Quebec Superior Court?

8 MR. SOMMERVILLE: Yes, it is, sir.
9 I apologize for the quality of the copy but it
10 is legible.

11 MR. POLLOCK: This will be Exhibit
12 No. 2.

13
14 EXHIBIT NO. 2: Quebec Superior Court
15 Injunction

16 MR. POLLOCK: Mr. Perkins, this
17 was occurring on Saturday?

18 MR. PERKINS: Yes, then we get
19 around to Monday when we started to operate in
20 a restricted manner, testing how violent things
21 would be in trying to keep our men from being
22 killed. As I said, units leaving on the highway
23 were bombed with gasoline bombs, dropped off
24 overhead bridges and stones were thrown and men
25 were hit with stones. Downtown they had what
26 they call a paint bomb, which is an egg shell
27 drained of its contents and filled with aluminium
28 paint. Our drivers would be going about their
29 duties to make pickups in the city on the Trans-
30 Canada Highway, with three-lane traffic in each

1 direction, travelling 40 and 50 miles an hour. A
2 car would come up alongside of them and throw these
3 eggs at the windshield of the trucks, completely
4 erasing the vision of the driver and he could not
5 see anything. It could have caused some terrific
6 accidents but, for some good reason, there weren't
7 any. The boys were able to keep the trucks under
8 control and we would bring them back in at night
9 and put a gang on trying to clean the windshields
10 and to take the paint off the vehicle. There
11 were roving bands and cars following our trucks
12 all the time. We had to put two men in each
13 vehicle and then try to group the vehicles together
14 so that there would be some help. Then we sent
15 our salesmen out in special cars following them.
16 We had to have police escort, the Quebec Provincial
17 Police escort on highway to the Ontario border
18 and then the Ontario Police from the Quebec border
19 to the Ontario points. The City Police at Pointe
20 Claire took care of our patrolling as best they
21 could, and downtown in Montreal we had to have a
22 special squad look after us there.

23 MR. POLLOCK: Did this injunction
24 have any effect on the numbers that were attending
25 on the plant?

26 MR. PERKINS: It appeared to lessen
27 the number in front of our plant but it did not
28 appear to lessen the violence downtown and the
29 things that happened on the roads and highways.

30 MR. POLLOCK: But you could get the

1 trucks in and out of your premises?

2 MR. PERKINS: Yes, but not without
3 problems, but we were getting them in and out, yes.
4 We had trucks attacked with hatchets and all the
5 windows broken and taken out. We had one of our
6 drivers, who lives in the north end of Montreal,
7 come out to go to work one morning and he parked
8 his car in a church yard so it wouldn't be in front
9 of his door because they were throwing acid on
10 the cars and breaking windows of the employees'
11 cars who continued to work. He came out of his
12 home and went to the church yard to pick up his
13 car in the morning to come to work; two men,
14 strangers, jumped him and beat him and injured
15 his kidneys with the impact of the knees hitting
16 him, and he was off duty for a week. We had
17 two men in downtown Montreal who were attacked
18 by five people and these men were very seriously
19 hurt. One man was unconscious for twenty some
20 hours and ^{the} / other man for twelve hours.

21 MR. POLLOCK: How many men of
22 yours were working at this time? You said 60
23 per cent before. What is that in bodies?

24 MR. PERKINS: We had 193 men out
25 of 309.

26 MR. POLLOCK: And so far all of
27 the action against you was confined to Montreal?

28 MR. PERKINS: No, I am just
29 giving the Montreal end of it.

30 MR. SOMMERVILLE: Montreal is not

1 covered in the brief that has been filed. We covered
2 incidences in other places.

3 THE COMMISSIONER: Were you able
4 to say whether these men came from Montreal or
5 came into Montreal?

6 MR. PERKINS: You mean the men who
7 picketed?

8 THE COMMISSIONER: The men who did
9 the assaulting.

10 MR. PERKINS: I don't know where
11 they came from. We do know that these men, in
12 this instance, almost killed two men. They
13 attacked them with lead pipes. They just came
14 out after making a delivery, they came out and
15 five men jumped them with lead pipes. Luckily,
16 there was a spectator got a licence number and
17 we caught one man and he was convicted and is serving
18 a term in jail, six months. Six months is all
19 he got. Now this man is not a truck driver, he
20 wasn't one of our drivers and he is not a truck
21 driver. He is a waiter in a night club in east
22 end Montreal and has a pretty vile reputation.

23 MR. POLLOCK: Is he a member of
24 the Teamsters' Union?

25 MR. PERKINS: No.

26 MR. POLLOCK: Was there any
27 relationship established between this man and
28 the Teamsters' Union?

29 MR. PERKINS: He would not talk,
30 he would not say why he did it.

1 THE COMMISSIONER: Or who the others
2 were?

3 MR. PERKINS: The others we didn't
4 get their names, they got away. One was arrested
5 and tried and convicted and given six months, and
6 one of them five. There were many instances
7 like that, trucks moving on the highways with bombs
8 thrown at the back of them and set fire to them.
9 This lasted on for some time and, of course, by
10 that time, the picketers were getting thinner
11 because we were operating and the majority of the
12 men wanted to work. Then further violence took
13 place from seemingly an outside source and that
14 was the bombing of our plant in Montreal. We
15 have a beautiful new terminal in Pointe Claire
16 Industrial Park with 35 doors - we don't have a
17 picture of it here - but some five weeks after
18 the 17th of August, the commencement of the strike,
19 to really try and demoralize us, at that time we
20 had Brinks guards on duty 24 hours a day, that is
21 four men, 24 hours a day and costing us \$4000 a
22 week.

23 In spite of that, these people entered
24 our property at about 11:00 o'clock at night, threw
25 a Molotov cocktail in the entrance or foyer of
26 our new office and threw a bomb at the same time.
27 Luckily the front door was locked or the bomb
28 may have gone right inside. It was placed on the
29 front step. The boys on duty at that time were
30 alarmed by the fire and they had some good equipment

1 and they got the fire out. But someone noticed
2 this article on the front steps and kicked it onto
3 the sidewalk and it went off with a bang. Three
4 or four of the men were thrown quite some distance
5 against the building and it left a large gap in the
6 cement sidewalk where it went off and took every
7 window out of our new terminal. It took the
8 tiles out of the ceiling, loosened the plywood
9 off the walls, cracked the plaster in the basement
10 and really made a shambles. Luckily, it didn't
11 get inside because there were people working in
12 there.

13 MR. POLLOCK: How close were
14 these people that kicked it, that they weren't
15 killed?

16 MR. PERKINS: At the time it
17 exploded they were about 30 feet away and it threw
18 them against the building. Now, I know that at
19 the beginning of a strike there is always anger
20 and heat and so on, but this was after things had
21 cooled off quite well and they had resolved the
22 fact that we were going to continue to run because
23 the majority of our men wanted to work and the
24 minority that did go out, the few that did go out
25 think, "Well, what's this all about, ^{what is} the Teamsters'
26 about, and what is happening now?".

27 So the efforts of the strikers were diminishing at
28 that time and this was a thing to demoralize us.

29 Just prior to that, of course, in
30 Ontario, which we may deal with later, one of our

1 drivers, almost four weeks after the strike had
2 got underway, was almost murdered on the MacDonald
3 Cartier Freeway with a rifle bullet.

4 MR. POLLOCK: Were you able to
5 identify any of these people that placed the bombs?

6 MR. PERKINS: No. It was after
7 dark and the guards couldn't identify even the
8 size of them. It all happened so fast.

9 THE COMMISSIONER: Well, wouldn't
10 you at that time have had one guard at least at
11 the front part of the premises?

12 MR. PERKINS: Yes, we had, they
13 came in and crossed the side of our lot and
14 around the corner of the building and did it just
15 like that. And with all those guards there, they
16 couldn't even give us a fair description of what
17 they were like. Some said they were tall and
18 some said they were short and there were three
19 men involved.

20 MR. SOMMERVILLE: Mr. Perkins, have
21 you brought with you some photographs showing some
22 equipment and individuals who were injured and
23 damaged concerning the strike?

24 MR. PERKINS: Yes, I have.

25 MR. SOMMERVILLE: I think these
26 photographs are self-explanatory. They are
27 photographs of equipment and an individual. I
28 will file these as group Exhibit 3, if I may.

29 EXHIBIT NO. 3: Group of photographs of
30 equipment and an individual.

1 MR. SOMMERVILLE: Mr. Perkins, there
2 are objects on the table before me, what do they
3 represent?

4 MR. PERKINS: These are stones
5 that put the holes in the windshield of trucks
6 shown in the Exhibits you have in front of you.
7 If you look at one picture closely enough you
8 can see the stone in the photograph. This was
9 the abuse and intimidation that our men were
10 subjected to the first night of the strike when
11 they started out to do their jobs. This was the
12 treatment for men trying to do an honest job. This
13 is what they were subjected to.

14 MR. POLLOCK: For the record, I
15 don't want to introduce those stones as Exhibits
16 but there are half a dozen stones varying in size
17 from a large egg to about 8 or 9 inches by about
18 4 inches, and weighing a couple or three pounds.

19 MR. PERKINS: The picture of the
20 employee with the scalp/ ^{wound} on the side of his head,
21 there, that is one of the men who was molested
22 or beset upon downtown by the five thugs.

23 MR. POLLOCK: And this is the lead
24 pipe here.

25 MR. PERKINS: Yes.

26 THE COMMISSIONER: And he was
27 struck on the side of the head with that?

28 MR. PERKINS: Yes, and it required
29 15 stitches. His mate, a little French boy, and
30 I can't think of his name, was unconscious for 20

1 some hours. He now has disappeared into the bush
2 some miles beyond Lake St. John, scared because he
3 gave evidence at the trial where this man was
4 convicted. He moved his family from Montreal up
5 there and is living like a hermit in a shanty camp
6 in a bush area so that they can't find him.

7 THE COMMISSIONER: Is he not coming
8 out to work?

9 MR. PERKINS: No, he is trying to
10 get a little work in the bush but he is afraid
11 to come back because he appeared at the trial and
12 gave evidence against the conviction of this man
13 who beat him up and he was told, I guess in no
14 uncertain terms, that if he gave evidence that they
15 would get him, so he has gone to the bush and
16 is hibernating.

17 MR. SOMMERVILLE: What does this
18 photograph represent, Mr. Perkins?

19 MR. PERKINS: This represents one
20 of our drivers a Mr. Harris from Kingston who
21 was one of the men trapped in the Montreal branch
22 at the time of the close-down, and on his first
23 trip back to Kingston, he was molested about 40
24 miles west of Montreal in an area called Hudson
25 Hills, which is a very hilly area and wooded and
26 the trees are quite close to the highway. At the
27 summit of that hill the trucks are naturally going
28 at a rather slow pace and just as he broke over the
29 top of the hill, they let him have it. They
30 showered the tractor and they put one through the

1 window and they hit this man and there is one picture
2 there which shows quite a scalp wound at the side
3 of his head. That was done with a rock. He had
4 just broken over the top of the hill and his truck
5 was gaining momentum on a very steep hill and had
6 it been a half inch further, he would have been
7 knocked out, that truck would have gone out of
8 control and maybe killed some people coming up the
9 other way to meet him.

10 THE COMMISSIONER: At what stage
11 of the strike was that?

12 MR. PERKINS: That was on the
13 Tuesday after the commencement, which was on the
14 Wednesday prior. It was almost a week.

15 MR. POLLOCK: And how many days
16 after the start of the strike was the bombing?

17 MR. PERKINS: I don't have the
18 exact date of the bombing but it was about five
19 weeks after the start of the strike.

20 MR. SOMMERVILLE: Now this is a
21 man's shirt. How was this connected with what you
22 have been saying, Mr. Perkins?

23 MR. PERKINS: This shirt - it belonged
24 to a Mr. George Watt, a driver of ours who had
25 been employed with our company for something like
26 18 years - a man of very fine character and a very
27 efficient workman. He was driving a convoy into
28 Toronto on the 14th of September, which again is
29 almost a month after the commencement of the strike,
30 the strike being August 17th and this was September

1 14th. We were running a convoy that night out of
2 Toronto, seven vehicles going eastbound to Kingston
3 and Ottawa, and to Perth. This man was going to
4 Perth. As they approached the area, about Whitby,
5 at about 4:00 o'clock in the morning, a rifle shot
6 went through the left rear of the cab and through
7 this man's shirt and through the back of his neck,
8 out through the passenger windshield of the truck.
9 This was a heavy rifle, a 303 or a 30-30, heavy
10 gauge hunting rifle.

11 MR. POLLOCK: You never recovered
12 the slug and you assume that from the impact it had
13 after going through the glass.

14 MR. SOMMERVILLE: If I may assist,
15 would you accept this as an Exhibit?

16 MR. POLLOCK: No, I don't think so,
17 it can be identified as a shirt with stains on the
18 top of it.

19 MR. PERKINS: Well, the bullet went
20 through this side of his shirt and took the scalp
21 off the back of the man's neck.

22 MR. POLLOCK: Those stains on the
23 collar of his shirt are what?

24 MR. PERKINS: Blood.

25 MR. SOMMERVILLE. If you look at
26 those photographs, it may cast some light on this.

27 THE COMMISSIONER: I suppose it
28 grazed his neck?

29 MR. PERKINS: It grazed his neck
30 only because that at the time of the shot, the

1 driver was smoking and he reached forward to flick
2 his cigarette. Had the driver been sitting in his
3 normal driving position, by taking a rope from where
4 the bullet entered the left part of the cab and
5 where it went out through the windshield, it was
6 directly in line with the jugular of his neck and
7 he wouldn't be alive today and, again, a serious
8 accident could have happened.

9 MR. SOMMERVILLE: Mr. Perkins, these
10 are three photographs of the vehicle after the
11 bullet passed through the cab.

12 MR. PERKINS: That is right.

13 MR. SOMMERVILLE: If I may approach
14 the bench, Mr. Commissioner, these are photographs
15 showing the entry point at the rear of the cab
16 and the exit point through the windshield and an
17 inside view of the entry point.

18 THE COMMISSIONER: Where did that
19 take place? What was the condition of the highway?
20 Was it on a hill?

21 MR. PERKINS: It was on a fairly
22 level area, close to the weigh scales at or near
23 Whitby or near Bowmanville, it was close to the
24 scales at Bowmanville and he was proceeding east-
25 bound on the MacDonald Cartier, 401 Freeway and
26 the tail end driver of the convoy of seven units
27 moving along at 50 or 60 miles an hour. They
28 held him until the early hours of the morning for
29 safety reasons so he wouldn't be molested, and
30 this is what happened.

1 MR. SOMMERVILLE: Mr. Perkins, did
2 you make an assessment of the cost of the strike to
3 your company?

4 MR. PERKINS: Yes, in part only
5 because there are so many intangibles. Our own
6 people were working around the clock and being paid
7 and this is not charged against this particular
8 instance. We only have the items that are very
9 obvious that were brought about by reason of the
10 strike. In other words, security duty - the security
11 guards, which we had to hire - to do three things:
12 One was to protect the goods that were entrusted
13 to us to carry from point to point. No. two was
14 to see that our employees were not killed, if we
15 could prevent it, in carrying out the duties which
16 they wanted to do. Thirdly, to stay in business
17 as it was our right to do. The cost of that alone
18 was over \$90 thousand for security guards; \$90,891.
19 to be exact.

20 MR. SOMMERVILLE: Is this a list,
21 Mr. Perkins, showing cost of fire damage to trailer
22 travelling, lodging,
23 damage to trucks and tractors, fire and bomb damage
24 to the Montreal terminal, cargo damage and legal
25 fees being the direct cost of the strike to the
26 company?

27 MR. PERKINS: That is right. I
28 might mention too, that under this travel and
29 lodging of \$14 thousand, we had to move personnel
30 from Montreal to Ottawa and Ottawa to Toronto and

1 Toronto to Kingston and we moved them around to
2 various terminals so that they wouldn't be identified
3 by the people who knew them. They wanted to work
4 but they were afraid to work in their own terminal
5 because of phone calls and intimidations and threats,
6 so we moved people from Ottawa to Toronto and Perth
7 to Toronto and Ottawa to Montreal and we moved them
8 here and there. We had to put them up in hotels.
9 In other words, our account at the Knob Hill Hotel
10 alone was over \$5000.

11 THE COMMISSIONER: What would your
12 gross revenue be for a year?

13 MR. PERKINS: In that division, about
14 \$5 million.

15 THE COMMISSIONER: Because \$90
16 thousand is quite a sum of money.

17 MR. PERKINS: Well, if we had
18 been a firm without substance, we would have been
19 out of business. We couldn't have withstood that
20 financial drain. In fact, even as it is, it is
21 going to take years to get it back.

22 THE COMMISSIONER: Well, when did
23 this shooting take place? At what time?

24 MR. PERKINS: On September 14th.

25 THE COMMISSIONER: Well, what was
26 the situation then?

27 MP. PERKINS: We were operating
28 and we weren't at normal operation but certainly we
29 were gaining and getting acclimatized to the
30 threats and we were running more normally and more

1 customers were shipping by us.

2 THE COMMISSIONER: What ultimately
3 took place? Did you come to any agreement?

4 MR. PERKINS: No. Actually, on
5 September 14th, our employees decided that they
6 didn't want any more of the Teamsters. Two of our
7 employees, on behalf of the rest of the employees,
8 made application to the Canada Labour Relations
9 Board to have the Teamsters decertified. A hearing
10 was held in December of 1966, a vote was held in
11 January of 1967 and the vote to decertify the
12 Teamsters was two to one to remove them as the
13 bargaining agent. That two to one, of course, the
14 new people we hired after December 17th, didn't get
15 an opportunity to vote but all those on strike did
16 and even at that, two to one voted not to have the
17 Teamsters' Union represent them any longer. And the
18 board so ordered on February 21st, 1967 that the
19 Teamsters were no longer the bargaining agent for
20 our employees so now we are carrying on working as
21 we used to work, close together.

22 MR. POLLOCK: These expenses incurred
23 will be Exhibit No. 4.

24 EXHIBIT NO. 4: List of expenses incurred
25 by Taggart Services during
26 strike.

27
28 MR. POLLOCK: At the same time this
29 violence was going on in Montreal, the activity that
30 is set out in pages 5 to 15 inclusive, of the

1 submission were what was happening in Ontario?

2 MR. PERKINS: Well, as the brief
3 indicates, it started with picket lines being formed
4 at Ottawa and Toronto and Kingston and Brockville,
5 actually, but to a lesser degree at Brockville. There
6 was intimidation and our men were harassed, as the
7 brief shows. We should go over these but I believe
8 Mr. Place is going to handle more of the Toronto
9 incidents. On the highway, we had plenty of trouble,
10 including that shooting.

11 THE COMMISSIONER: At that time did
12 you have agreements covering these points in Ontario?
13 Did you have agreements with the Teamsters' Union?

14 MR. PERKINS: No.

15 THE COMMISSIONER: You hadn't any
16 at all?

17 MR. PERKINS: No.

18 THE COMMISSIONER: But you do now?

19 MR. PERKINS: No.

20 THE COMMISSIONER: But I thought
21 you started out by saying you had agreement?

22 MR. POLLOCK: You were in the same
23 position in Montreal as you were in Ontario? You
24 were certified by the Canada Labour Relations Board
25 and are now negotiating for a new agreement and you
26 have gone through the conciliation?

27 THE COMMISSIONER: With whom are you
28 doing that?

29 MR. PERKINS: It was the Teamsters.

30 THE COMMISSIONER: But that is what

1 I asked you, but you haven't consummated an agreement
2 then?

3 MR. PERKINS: Actually, what happened,
4 Your Honour, our employees made an application to the
5 Canada Labour Board to have the Teamsters decertified.

6 THE COMMISSIONER: That was in
7 Montreal?

8 MR. PERKINS: In Ontario.

9 THE COMMISSIONER: But we are talking
10 about Montreal before and I understood all these
11 things took place in and around Montreal.

12 MR. PERKINS: I was just giving
13 the incidents mainly in Montreal.

14 THE COMMISSIONER: I just want to
15 get it clear in my mind, that's all, because when
16 you began, you said this was in Montreal, and now
17 you say that the application in some way extended
18 into all of your operations.

19 MR. PERKINS: That is true. The
20 application or the contract, covered all of our
21 operations under different locals of the Teamsters
22 and the application for decertification represented
23 all our employees in all our locations.

24 THE COMMISSIONER: And it was all
25 done before the Dominion Board?

26 MR. PERKINS: That is right.

27 MR. SOMMERVILLE: Mr. Perkins, what
28 proportion of the business would you contribute to
29 your Montreal business as opposed to the Ontario
30 business? Just in round figures.

1 MR. PERKINS: About a third.

2 MR. SOMMERVILLE: Montreal is about
3 a third of the total operation?

4 MR. PERKINS: Yes.

5 MR. SOMMERVILLE: And was the
6 pattern, to your knowledge, in Ontario and other
7 parts of the operation - was it a pattern similar
8 to what took place in Montreal?

9 MR. PERKINS: Yes, it was very
10 similar in Ontario, you could go right across from
11 Montreal west and the same pattern existed -
12 intimidation, and we lost six trailers in total
13 with valuable cargo on them, there were

14 three in Toronto and three in Montreal,
15 so it was just about even.

16 THE COMMISSIONER: Well, if
17 decertification took place in January ----

18 MR. PERKINS: The vote was in
19 January and the order was issued on February 21st.

20 THE COMMISSIONER: Well, now what
21 is your position?

22 MR. PERKINS: Our position is now
23 that the Teamsters no longer represent our employees
24 at all.

25 THE COMMISSIONER: Have you any
26 union representing them?

27 MR. PERKINS: Not as yet. Our
28 employees now, as I understand it, are forming a
29 new association to bargain with management to enter
30 into a new contract.

1 MR. POLLOCK: You haven't heard
2 anything from the C.B.R.T. & G.W.?

3 MR. PERKINS: No. Generally speaking,
4 that pretty well takes care of the incidents right
5 across the board. It is a sad thing, in my
6 opinion, when this strike took place without the
7 popular wishes of our employees, which we
8 know they didn't have, and
9 the proof of that is when the bell did ring and the
10 strike was called and 60 per cent of our men, even
11 in the face of all this intimidation, decided to
12 stay on the job. They were happy with what we
13 were paying them and they had no reason to go on
14 strike.

15 MR. POLLOCK: We will, I presume,
16 hear about what happened in Ontario as well? All
17 my questions are with relation to what happened in
18 Ontario.

19 MR. SOMMERVILLE: Mr. Perkins,
20 you mentioned the question that offers were made
21 to you in relation to a contract to be signed with
22 the Teamsters, is that right?

23 MR. PERKINS: That is right.

24 MR. SOMMERVILLE: What were the
25 financial implications of that contract compared
26 with the existing arrangements you had with your
27 men and the present arrangement that you had?

28 MR. PERKINS: Had we signed the
29 contract, which finally the Teamsters threw on the
30 desk and said, "Sign that, that is it, or else".

1 THE COMMISSIONER: When was that?

2 MR. PERKINS: That was on June 14th,
3 prior to the strike, which was a standard Teamsters'
4 contract which was in effect with many companies
5 in Ontario. That contract did not provide the
6 wage level that we were already paying our men.
7 In some areas it was five and ten cents an hour less
8 than what we were paying them. The life insurance
9 was half of what we were already providing for our
10 men, the pension was about one-tenth of what we
11 were providing for our men. So our men were happy
12 and they didn't want us to sign the contract on that
13 basis. We did, however, prepare a proposal, a
14 37-page proposal, encompassing all of the things
15 that we were doing then and some extras that we
16 were going to do but the Teamsters wouldn't look
17 at our proposal. They said, "That contract or
18 we will strike you and put you out of business".

19 MR. POLLOCK: I have here a contract
20 entitled "General Agreement, Over-the-road City
21 Cartage and Dock" between the Teamsters' Union and
22 the Motor Transport Industrial Relations Bureau,
23 running from October 1st, 1965 to September 30th,
24 1968. Is this the standard contract that you
25 were talking about?

26 MR. PERKINS: That is right.

27 MR. SOMMERVILLE: Can you give the
28 Commission a figure, an annual figure, of the
29 difference between that contract, to which Mr.
30 Pollock has referred, and the existing arrangement

1 that you had with your men at the time you were
2 offered that contract?

3 MR. PERKINS: Yes, the saving to
4 the company, had we entered into that contract,
5 rather than what we were already doing for our men
6 at that time, over the term of the contract of
7 three years, would have saved the company \$117 thousand
8 dollars.
9 That was at the expense of our employees, of course.

10 MR. POLLOCK: But there must have
11 been something in this contract that wasn't -
12 and the relationship that you had at the time of
13 your employees, what was it?

14 MR. PERKINS: The main issue in
15 and
16 this contract was the closed shop/check-off. That
17 is what they wanted above anything else. It must
18 have been, because they weren't interested in
19 looking at our proposal unless we were prepared to
20 give them a closed shop on our men. The amount
21 of letters received, we knew full well that the
22 majority of our men didn't want to be forced in.
23 We offered that we would enter into a contract
24 whereby they could solicit membership from our
25 employees and when they joined, they couldn't jump
26 in or jump out, they had to stay in. We went that
27 far, but we wouldn't sign the closed shop until our
28 men were in the frame of mind that they wanted to.

29 MR. POLLOCK: What about the check-off?

30 MR. PERKINS: The check-off was
the same.

MR. POLLOCK: Even a voluntary check-off?

1 MR. PERKINS: We were already
2 doing that. Anybody who had a card signed, we
3 were deducting since 1964 and remitting that to the
4 Teamsters.

5 MR. POLLOCK: The hours were the
6 same, or were yours better?

7 MR. PERKINS: Our hours were longer.
8 We had an overtime factor but it was on a longer
9 work week than 44 or 42 and 40, which the Teamsters have
10 in their contract. And our men want more hours than
11 44 or 42 and 40 because, with the high cost of
12 living today, they seem to want money to spend and
13 they don't mind working 45 or 46 hours to get it.

14 MR. POLLOCK: I suppose they
15 wouldn't mind working those extra hours overtime,
16 either?

17 MR. PERKINS: Yes, but there is
18 nobody to pay overtime today in the transport
19 business. An example of that is in the union
20 shops. They are all complaining today because
21 of the short hours. They thought they would get
22 overtime but they are not getting any overtime.

23 MR. SOMMERVILLE: You are saying
24 that the men in union shops are complaining about
25 this contract in that regard?

26 MR. PERKINS: That is right.

27 MR. SOMMERVILLE: If I might then
28 turn to Mr. Place who is a Toronto man for the
29 Service and perhaps he would go through the events
30 in the brief that took place other than in the

*Nethercut & Young**Toronto, Ontario*

1 Province of Quebec, that is the Ontario points.

2 On many of these points you have before
3 you in the brief, I don't know whether you want Mr.
4 Place to go through them in detail or perhaps he
5 can just summarize.

6 Mr. Place, what could you tell the
7 Commission about the atmosphere and the feeling in
8 the Toronto office and throughout Ontario as a
9 result of this strike?

10 MR. PLACE: The more threats and
11 intimidations some of our men received, the harder
12 they worked and the more determined they were, they
13 were not going to be stopped. I think it had an
14 affect on our employees; a good affect, as far as
15 I am concerned, which helped us to keep our units
16 moving, although it was very, very demoralizing to
17 have on the day the strike started - a few men came
18 in and parked their vehicles and a few of them went
19 on the picket lines and some of them went home and
20 some I have never seen since. I have heard that
21 there were men working for other companies. I do
22 know for a fact that some of the men that were
23 active on this picket line, who were ex-employees
24 of our company, they were the ones that were trying
25 to get a contract and are not even working yet and
26 the strike has been over now for practically three
27 months.

28 The thing that was of great concern
29 to me, of course, was the welfare of our employees
30 and their families. I had several wives phone me and

1 ask why their husbands were on strike and why we
2 wouldn't sign a contract with the Teamsters; they
3 wanted to go back to work but they were afraid to
4 go to work. They had received definite threats
5 from members of the union that if they worked, they
6 would fix them one way or another, or their families.
7 And to bear that out, we had a case when the
8 strike started we had two Toronto employees who
9 wanted to stay on and they would like to run
10 highway, which we don't have out of Toronto as a
11 highway operation. Our loads in Toronto are
12 cleared by eastern and western Ontario drivers.
13 This gave them an opportunity to get them into
14 something they wanted to do and would like to try.

15 They ran one trip to Ottawa and
16 back and one man went home to find that they tried
17 to burn his car. They poured some fluid over it,
18 lit it, but luckily enough, it didn't ignite.

19 MR. POLLOCK: What kind of fluid
20 was it?

21 MR. PLACE: I don't know and the
22 police weren't too sure either. It was little
23 gummy fluid. It wasn't gasoline or naptha gas
24 or anything like that. It was more like a
25 detergent type that would burn but they weren't
26 successful in getting it started.

27 MR. POLLOCK: There was some
28 evidence that they had tried to light it?

29 MR. PLACE: Oh, yes. The other
30 employee received threats because he lived away out

1 of town and they weren't too sure where he was.
2 They cornered him and told him, "Either stop driving
3 or we will go out and fix the family". He joined
4 the picket line and stayed on the picket line for
5 the duration of the strike.

6 MR. POLLOCK: Mr. Perkins told us
7 that the strike in Montreal started at 6:00 p.m.
8 on August 17th, at least that is when the first
9 pickets arrived. What happened in Toronto?

10 MR. PLACE: The strike started in
11 Toronto at approximately 5:00 p.m. on August 17th.
12 As a company we had no prior warning with the
13 exception that one of the terminal managers in the
14 Scarborough area, called me to tell me not to be
15 surprised to see a picket line out there that night.

16 MR. SOMMERVILLE: Whose terminal
17 man was that?

18 MR. PLACE: That was Asbestos
19 Eastern, another transportation company. I said,
20 "How do you know of this?", and he said, "Well, it
21 is common knowlege. My men are putting the picket
22 line up". I said, "What concern is it of theirs?"
23 and he said, "I don't know but they are Teamster
24 members". So at 5:00 p.m., on the 17th, two or
25 three business agents showed up with employees
26 from Asbestos Eastern and I know they were from
27 Asbestos Eastern because the manager came over to
28 see me that evening to see how things were going
29 and he identified two or three of them. I was
30 also told by our own employees that the rest of the

1 men were from Direct Winters Transport.

2 MR. POLLOCK: None of your own
3 employees were involved?

4 MR. PLACE: There were none of our
5 own employees on the line except three ex-employees
6 who had, at one time, been union stewards in our

7 MR. POLLOCK: Were they discharged?

8 MR. PLACE: Two of them had been
9 discharged during a wildcat strike and they refused
10 to go back on the job, and they were replaced.

11 MR. POLLOCK: How long before that?

12 MR. PLACE: Approximately two weeks.

13 THE COMMISSIONER: Can you say how
14 many truckers in the Province of Ontario, what
15 proportion of all of those truckers are associated
16 with the Teamsters' Union?

17 MR. PLACE: Percentage-wise, I wouldn't
18 know. I would guess that it would be somewhere
19 around 70 per cent, but it would be only a guess
20 and I am not sure. I am just judging that by the
21 number of companies who are members of the Bureau,
22 who negotiate the contract. I think it would be
23 near that number.

24 THE COMMISSIONER: Are there any
25 other unions to which the remainder belong?

26 MR. PLACE: Yes, there are other unions.
27 I don't know the name of the union in Ottawa, but
28 there are two companies in Toronto that belong to
29 it and the employees seem to like it, but I am advised by
30 management that the Teamsters are trying to raid it all

1 the time to get membership.

2 THE COMMISSIONER: Is this a
3 standard contract that is accepted by a closed
4 shop, is that part of the 70 per cent?

5 MR. PLACE: Yes. We had very much
6 the same trouble in Toronto as they had in Montreal,
7 but not to the extent or the trouble that Montreal
8 had. We never stopped working in Toronto. We
9 were certainly hampered. We had all kinds of
10 violence and threats on the picket line and we had
11 attempts made to pull drivers out of their units
12 as they were pulling out of the yard. We had
13 windshields broken and every morning I came into
14 the terminal we would have another window out with
15 stones laying inside. We even had one of our
16 salesmen over there during the night with guards
17 trying to keep his eye on things and he was a little
18 worried too, because he had a son who is a student
19 trying to make enough money to go to the University
20 of Toronto, working there at nights, loading and
21 unloading freight.

22 Norman Bell was told by one of the
23 picketers - he was one of our picketers and his son's
24 name was Don - he was told by one of the strikers
25 that if he didn't get his son out of there they
26 would slit his throat from ear to ear and if they
27 couldn't do it, they would hire someone who would
28 do it for them.

29 THE COMMISSIONER: When did that take
30 place?

1 MR. PLACE: The exact date I don't
2 know but it is on an affidavit for application
3 for an injunction.

4 THE COMMISSIONER: I don't mean
5 the precise date.

6 MR. PLACE: I would say a week or
7 two after the strike, in the latter part of August.

8 MR. SOMMERVILLE: I think August
9 21st is the date.

10 THE COMMISSIONER: It was right
11 near the beginning of the strike?

12 MR. PLACE: Yes.

13 MR. POLLOCK: I looked over this
14 general agreement and it appears that the union
15 security provision is a modified union shop, where
16 the employees that are already employees only have
17 to pay an amount equal to the union dues and those
18 who are brought in afterwards have to join the
19 union after a certain period of time.

20 MR. SOMMERVILLE: Mr. Perkins can
21 probably best deal with this from a policy point
22 of view.

23 MR. PLACE: Well, I have never been
24 on a negotiating committee so I don't know.

25 MR. POLLOCK: But it is not a closed
26 shop, it is a union shop.

27 MR. PLACE: Well, it is closed; you
28 can't work there unless you pay dues.

29 MR. POLLOCK: But you can't work in
30 a Rand Formula shop unless you pay dues either.

1 MR. PLACE: You don't have to be a
2 member but you still have to pay dues.

3 MR. POLLOCK: But that is not a
4 closed shop.

5 MR. SOMMERVILLE: I wonder if Mr.
6 Perkins might indicate what it was, precisely, that
7 was offered to him in terms of union security.
8 What was the demand that was made to you, Mr.
9 Perkins, in terms of union security in June, when
10 you were offered the contract?

11 MR. PERKINS: Every employee must
12 pay dues and new employees, of course, must join
13 and I understood from what they said that everyone
14 must be a member but possibly it says there, not.
15 But everyone must pay dues.

16 MR. POLLOCK: Does everyone who is
17 a member have to maintain his membership in good
18 standing and everyone else, all the employees hired
19 prior to this agreement, of a check-off equivalent
20 to union dues and those hired afterwards, it appears
21 that there is a check-off for them as well, so it
22 is a modified union shop.

23 MR. PERKINS: The main concern of
24 the union / was that everyone in our group must pay dues.

25 MR. POLLOCK: But that is Rand
26 Formula.

27 THE COMMISSIONER: Well, it is quite
28 evident that a declaration of war had been made
29 almost from both sides.

30 MR. POLLOCK: Your operation in

1 Ontario, the centres are in Toronto and Ottawa and
2 where else?

3 MR. PLACE: Pembroke, Renfrew,
4 Hawkesbury, Perth, Kingston and Brockville.

5 MR. POLLOCK: And in each of those
6 places, was there picketing activity?

7 MR. PLACE: There was at Brockville
8 and Ottawa and Hawkesbury, as well as Toronto, but
9 I don't think there was at any of the other places.

10 MR. PERKINS: In Brockville there
11 was some; in Kingston two men showed up one day
12 and they did bring some picketers from another
13 plant that was on strike down in front of our property
14 in Kingston one day, from the C.I.L. plant which was
15 on strike, to make a show. There was a number
16 that came down on a couple of occasions.

17 MR. POLLOCK: Well, that Kingston
18 affair, did it have an affect on your employees
19 operating out of Kingston?

20 MR. PERKINS: No, it didn't actually,
21 there were only two men out of 33 that left the job
22 in Kingston. 31 stayed on the job and carried out
23 their duties every day.

24 MR. POLLOCK: Well, to go through the
25 list of your other operations, tell me how many
26 people stayed on and how many people went off.

27 ---Short recess.

28
29 MR. POLLOCK: Now, you had just told
30 us that only two out of 33 at Kingston had gone out

1 as pickets there and there were only two or three
2 pickets, I think you said. This was on the 17th
3 of August, was it?

4 MR. PERKINS: That is right.

5 MR. POLLOCK: Did those numbers
6 change any?

7 MR. PERKINS: No, it stayed the same.
8 We hired two new employees later on. We replaced
9 them and ended up with 33.

10 MR. SOMMERVILLE: Would you go through
11 the other installations now, Mr. Perkins?

12 MR. PERKINS: Yes. At Brockville
13 there were 10 men employed there and two left the
14 job and eight stayed on the job.

15 MR. POLLOCK: What kind of picketing
16 was it?

17 MR. PERKINS: Picketers from Ottawa
18 came out there and prevented them from going to work.

19 THE COMMISSIONER: Were they your
20 employees?

21 MR. PERKINS: Yes, there were some
22 of our employees and employees of other trucking
23 companies came into it.

24 At Hawkesbury there were two employees;
25 one left and one stayed. In Kingston there were
26 33 employees / 31 stayed. In Montreal there were
27 71 employed and only 26 stayed under the harassment.
28 There were 71 employees on August 17th. In Ottawa
29 there were 116 and 69 stayed on the job. In
30 Pembroke, 14 workers and 14 stayed. In Perth, 14

1 workers and 14 stayed. In Renfrew there were 5,
2 and 5 stayed. In Toronto there were 44 and 25
3 stayed. There were a total of 193 against 309.

4 MR. POLLOCK: Was there any
5 picketing in Pemiroke, Perth and Renfrew?

6 MR. PERKINS: There were just token
7 pickets. To avoid a very serious incident in Perth
8 we had guards on there and just at the shift at
9 midnight, one guard went out to get some coffee
10 and the other guard going on duty went with him
11 and before they got back, someone entered our
12 property there where our terminal is in Perth and
13 there is a lot of equipment there in Perth actually,
14 and there is a used car lot on the same property
15 with 60 or 70 motor cars. Someone got on the lot
16 and took the caps off the big saddle tanks, the
17 large saddle tanks and placed fusees in them and
18 set fire to a couple of trailers but the police got
19 the fire out before it got out of control.

20 MR. SOMMERVILLE: What is a fusee,
21 Mr. Perkins?

22 MR. PERKINS: It is a safety device
23 they use along the highway or the railroads and you
24 light it in case of a vehicle being inoperative.

25 MR. POLLOCK: It is a magnesium
26 flare and you strike the top of it.

27 MR. PERKINS: Yes, there were
28 several hundred gallons of gas in these tractors
29 and if the Perth police hadn't got there right at
30 that moment, we would have lost the whole business.

1 So there were certainly picketers there all right,
2 and people molested and they were there to do
3 wilful and terrific damage.

4 MR. POLLOCK: In these cases, in
5 Ottawa, for example, there were 47 out of 116 went
6 out. Did these 47 picket?

7 MR. PERKINS: No. Some of them did.

8 MR. POLLOCK: They went some other
9 place to picket?

10 MR. PERKINS: No, some of them went
11 home and stayed home because they were scared to
12 come to work, they just didn't want to get involved.
13 They hadn't the courage to continue to work and a
14 lot of these were not with the unions so they just
15 went away. Now some did picket in Ottawa, they
16 certainly did, but certainly not 47.

17 THE COMMISSIONER: Now, what about
18 your own men who went on pickets? Were they
19 received back or did they go away?

20 MR. PERKINS: No, any of the men who
21 went out on strike, many of them have not returned
22 to work at our place, except two in Montreal were
23 taken back. The employees themselves are deciding
24 and saying that they cannot work with people who
25 stood across the street and threw stones at them
26 while they were on strike. So they decided that
27 the company must not take them back, naturally.

28 MR. POLLOCK: These others have
29 indicated to you that they would like to come back
30 to work now that the strike is over?

1 MR. PERKINS: A few, very few. Most
2 of them got jobs somewhere else in the wintertime.
3 Some of them got jobs the next day working somewhere
4 else, but they picketed at night.

5 THE COMMISSIONER: Those who were
6 off and went home, did any of those come back?

7 MR. PERKINS: A couple in Montreal
8 are back and I think there will be a couple in
9 Ottawa brought back. A lot of the men went out
10 and got jobs the next day and worked all during the
11 strike at other places and came around and picketed
12 at night; it was that type of operation.

13 THE COMMISSIONER: Did they get the
14 same kind of work?

15 MR. PERKINS: Yes, at other union
16 shops. Some of them did and some didn't.

17 In dealing with the item of the man
18 who was convicted, Your Honour, you asked me to
19 mention it. As well as Gerard Muron, who is
20 serving a term for beating up these two men in
21 Montreal, we have a total of 14 men in Montreal who
22 have appeared before the Sessions of Peace and have
23 been heard and sent down for trial. Their trials
24 have not come up yet. There were about 14 men.

25 MR. POLLOCK: Charged with what?

26 MR. PERKINS: With assault and
27 wilful damage and various things that took place
28 during the strike.

29 THE COMMISSIONER: In your association
30 has there ever been any understanding that strikers

1 will not be employed by other members?

2 MR. SOMMERVILLE: The answer to that
3 is, no, Mr. Commissioner. There has been, certainly
4 to my knowledge in the past two years, no such
5 understanding among members of the Automotive
6 Transport Association.

7 THE COMMISSIONER: So, they were
8 taken on as if they were new employees?

9 MR. SOMMERVILLE: It must be
10 remembered, Mr. Commissioner, our Association, as
11 the Automotive Transport Association, represents
12 many, many employers and others who are not involved
13 in union contracts.

14 THE COMMISSIONER: I know but I
15 am referring only to members of this Association.
16 Between them the competition overrides any under-
17 standing of that sort.

18 MR. SOMMERVILLE: Many of them are
19 not involved in contractual relations with the
20 Teamsters or with any union. The majority of the
21 Association isn't organized.

22 THE COMMISSIONER: No, but they take
23 on strikers?

24 MR. SOMMERVILLE: There is no agree-
25 ment to the contrary.

26 MR. ENSERY: I can say that, yes,
27 they do. For instance, in Hamilton, where companies
28 have been on strike, other companies have employed
29 those striking drivers. It is almost universal
30 and never has there been any cohesion among the

1 companies to not employ the strikers because of the
2 demand for men and so forth. These men, most of
3 them on strike, have found other jobs during the time
4 they are on strike.

5 MR. POLLOCK: Is there anything else
6 that you would like to mention with relation to the
7 Taggart strike?

8 MR. SOMMERVILLE: Yes, there are one
9 or two other points and perhaps Mr. Place would
10 speak. He could tell the Commissioner about his
11 personal experience.

12 Mr. Place, what happened to you during
13 this strike?

14 MR. POLLOCK: You are the Toronto
15 Manager of Taggart Transport?

16 MR. PLACE: That is right, sir. On
17 August 19th, for instance, my home was listed in the
18 Toronto newspaper for sale at a ridiculously low
19 price with a \$500 down payment. In the listing it
20 had our office number and my home number and we
21 received 100 calls for a few days in the office and
22 at home with regard to that. On the 21st of August
23 I was away, out of town at a meeting, and when I
24 returned home I found my family almost hysterical.
25 After talking to them for a while, I got them a little
26 more humorous, but in my absence someone had sent
27 a taxi to my home and an ambulance. We had orders
28 from the Chicken Pickin,^{and}/Chinese dinners. The police
29 finally arrived and tried to straighten things out
30 and this is a normal procedure, I understand, after

1 talking to the police, this is all laid down in the
2 books as to how strikers should conduct a strike to
3 rate success, and the Detective Sergeant here,
4 Stewart Kennedy, of Toronto, told me what to expect
5 and what to continue to expect and he was true to
6 form. He said they used this in many other places
7 where strikes had been going on.

8 MR. POLLOCK : "They", meaning
9 whom?

10 MR. PLACE: The union.

11 MR. POLLOCK: I suppose it was out
12 of compassion that they sent the ambulance because
13 you had eaten the 20 Chinese dinners and 16 chicken
14 dinners and you would probably need ^{more than} one ambulance.
15 And that only occurred one time?

16 MR. PLACE: That occurred one day
17 and we received phone calls every day with threats.
18 My wife was called one day and the party told her
19 that I was in the hospital, very seriously injured
20 and I notice that the brief says that I was at home.
21 I was not at home. I was at the office and I had
22 my daughter over there doing some typing work for
23 us and my wife knew very well that if I had been
24 hurt or injured or in the hospital that my daughter
25 would have called and told her so she smartly answered,
26 "Isn't that great. He is sitting right here and
27 I am talking to him". They got rid of the caller
28 that way.

29 On August 31st, I had an attempt made
30 to bomb my car in the driveway about 11:30 p.m. The

1 bomb was very crudely constructed in a one-pound
2 tobacco tin and as the gas filled up, of course, it
3 just blew the lid off the can and didn't cause any
4 damage to the car but they planted it right under-
5 neath the gas tank.

6 From that time I had very close
7 cooperation with the police and they were around our
8 house every three or four hours during the day or
9 night to make sure there was no more trouble there.

10 On October 25th, one of our employees
11 who had been with us for well over five years, I
12 would say 5½, had a fire bomb, or Molotov cocktail
13 thrown at his house and luckily it hit the aluminium
14 door and broke the glass and fell down on the outside
15 on the concrete step and burned and flames went
16 up over top of the eaves but it didn't cause any
17 damage at all to the house, other than the broken
18 glass and a bent bar on their aluminium storm door.
19 But, due to their efforts in this regard, we lost
20 one good employee. I visited their house on
21 several occasions, Terry worked for us for approximately
22 3 or 4 days following this bombing, but his wife was
23 so upset and almost hysterical, that she wouldn't
24 permit him to work for us any longer. I even
25 assured her that the police were watching her home
26 and we had the police visit her to assure her that
27 they were and she couldn't see them sitting across
28 the street and she knew they weren't anywhere in
29 the neighbourhood and she felt that the only way
30 to relieve her mind was to get Terry off the job,

1 which he did. Terry has not been back to work for
2 us and I haven't even talked to him since he left.
3 Some of the employees tell me that he is awfully
4 sorry that he had to leave our company.

5 Now, in Mr. Perkins' evidence, he
6 mentioned expenses for moving personnel, hotels and
7 what not. Toronto is one of the highest productive
8 points for packaged freight and without the flow
9 of freight out of Toronto, we have found that there
10 wasn't enough work for the drivers in Eastern Ontario
11 to do, so we moved them into Toronto and billeted
12 them here to pick up freight so that we would have
13 freight going out to their terminals and we would
14 keep everybody busy that was working. Now, we had
15 some 20 drivers living at the Knob Hill Hotel on
16 Eglinton Avenue East. On one evening, about ten
17 pickets arrived in the hotel, walked up to the rooms,
18 entered the rooms and started fights.

19 MR. POLLOCK: That is in the rooms
20 of the hotel?

21 MR. PLACE: Yes. They knocked on
22 the door and as they opened the door they barged in.
23 The police were called and the waiters, of course,
24 all came up from the beverage rooms and escorted them
25 out. Some of our employees got outside and got
26 into a fracas out there and the result was that
27 two pickets and two employees were locked up in jail.
28 I went over and bailed our two employees out and
29 at court the next morning our men pleaded not guilty
30 and the two strikers pleaded guilty and they were

1 fined for creating a disturbance.

2 MR. POLLOCK: These people who came
3 up to the hotel, were they in any way identified
4 with the union?

5 MR. PLACE: They were all off the
6 picket line in front of our premises. They were
7 ex-employees and striking employees.

8 MR. POLLOCK: Of your own, or
9 somebody else?

10 MR. PLACE: Of our own company.

11 MR. POLLOCK: So that your own
12 employees were involved here?

13 MR. PLACE: Yes. The following
14 day Mr. Charlie Thibeault, our business agent,
15 arrived at the Knob Hill Hotel with the President
16 of the Waiters' Union. Now, I don't know the proper
17 name of hotel waiters. They got in touch with Mr.
18 Rich, the Manager of the hotel, who called me and
19 asked me to come over and meet with these fellows
20 I and/said that I had no desire to meet with them but
21 I would come over and discuss the problem. He
22 talked to them in one room and travelled back and
23 forth to visit me and tell me what their argument
24 was. Anyway, the result was that if the Taggart
25 employees were not put out of the hotel, they would
26 put a picket line around the hotel and, of course,
27 Mr. Rich was afraid that many of his customers
28 wouldn't cross the picket line to come in and have
29 a glass of beer or a meal. I thought he was being
30 a little ridiculous, but anyway we agreed that we

1 would move our employees out of there the following
2 evening. But, in my mind, that is a great way to
3 treat free citizens in this country, by intimidation
4 of that nature.

5 THE COMMISSIONER: Well, I suppose
6 business is business.

7 MR. POLLOCK: Those hotel accommodation
8 figures are included in these expenses incurred as
9 a result of the strike. The \$216,463, that is
10 the whole of your operation.

11 MR. PERKINS: The travelling and
12 lodging is in the \$14 thousand figure.

13 MR. POLLOCK: Yes, but you filed
14 this during the Montreal part of the presentation
15 but it relates to the whole of Ontario and Quebec?

16 MR. PERKINS: Yes, it is all
17 encompassed in there.

18 MR. PLACE: We also lost several
19 accounts in Toronto and I don't know whether I should
20 name them or not, or whether it really matters.

21 THE COMMISSIONER: Well, without
22 giving the names, you can give the extent of the
23 business that you lost.

24 MR. PLACE: In dollar volume I
25 wouldn't know the extent of the business we lost.

26 THE COMMISSIONER: Well, you consider
27 it was substantial business?

28 MR. PLACE: It certainly was
29 substantial. The reason we lost it, we had two
30 ex-employees, a fellow by the name of Ray Sutton and

*Nethercut & Young**Toronto, Ontario*

1 Ed Nash visit these accounts and in one place they
2 had our truck almost loaded and these two lads said,
3 "If you don't take the freight off that Taggart
4 truck, we will put a picket line up here and you
5 won't move anything". So they immediately phoned
6 me and said, "Well, let's unload your truck. We
7 are afraid of being strike-bound and we have a lot
8 of full-load truck traffic here with union companies
9 and we have to go along with it". This happened
10 on four occasions that I know of and in one case
11 I was talking with Nash who was there with the
12 traffic department at the time the traffic department
13 called me, and they had some negotiation problems
14 of their own with their own plant union and they
15 decided the best thing to do would be give in and
16 not load our trucks anymore until the strike was
17 over.

18 But this is the result of intimidation
19 and threats by the Teamsters' Union to our customers,
20 to try and cut off our volume of business; in other
21 words, to slow us down or stop us from operating
22 entirely.

23 MR. POLLOCK: Do you have those
24 customers back now?

25 MR. PLACE: All but one.

26 THE COMMISSIONER: Well, you have
27 gone through quite an experience. Has it indicated
28 to you any means of dealing, not wholly, but in
29 large measure, with the problem? If you had charge
30 of proceedings now, how would you go about it to

1 prevent it, so far as humanly possible, to prevent
2 that sort of display of junglism?

3 MR. PLACE: I wouldn't know, sir.
4 With the past history of this union, I wouldn't
5 know how anybody in business can cope with them.
6 The only way I can see to cope with them is to
7 give in to them with every whim or wish that they
8 have to present to you. Otherwise, they will say,
9 "We will go on strike", or something like this.

10 THE COMMISSIONER: I take it from
11 some of your statements that this picket line idea
12 may become a very effective instrument on outsiders,
13 such a picketing this hotel and picketing customers
14 and that sort of thing.

15 MR. PLACE: Well, it had a good
16 effect on it. It was the fear of them being
17 closed down.

18 THE COMMISSIONER: I suppose they
19 don't want to apply for an injunction.

20 MR. PLACE: No, although at the time
21 we had an injunction in Ontario but it didn't make
22 any difference to the customers or the hotel.

23 THE COMMISSIONER: Supposing it were
24 made an absolute illegality, subject to immediate
25 arrest, would that do any good?

26 MR. PLACE: I would like to hope so.
27 I was going to say we could resort to the same
28 tactics but I couldn't stoop that low.

29 MR. POLLOCK: Of course there is
30 no answer for the violence and the bombing and the

1 shooting and all these other things which are clearly
2 prohibited by law, especially in your industry where,
3 as you indicated before, the men are operating
4 outside of any plant situation on their own.

5 MR. PLACE: That is right and each
6 unit is part of our business and it may be spread
7 all over the city and all over the highways and it
8 is the type of industry that cannot be policed and
9 there should be some protective measures through
10 law to curtail this type of tactic. I haven't got
11 the answer to it and I don't know what it is, but I
12 would like to see something. I think, when a
13 strike comes about, an injunction should be issued
14 immediately. That is my feeling. I don't agree
15 with the union feeling that there should be no
16 injunctions, I think it should be issued immediately.

17 THE COMMISSIONER: Apart from any
18 question of it being an illegality to agree not to
19 employ strikers within your own Association, I sort
20 of thought that that would be one means by which
21 you might lessen the strength of a strike. Because,
22 by getting new employment, they may maintain that
23 indefinitely.

24 MR. PLACE: A lot of them do.

25 MR. SOMMERVILLE: There are two
26 aspects on this, Mr. Commissioner, and one other point
27 I want to touch on: First of all, the employment
28 market for people with particular skills that we
29 are talking about, is a very wide one. The fact
30 of the matter is that such an agreement within our

1 Association, would not, in all likelihood, have the
2 desired effect. There are many people who operate
3 trucks who aren't members of our Association and
4 there are many people involved in transportation
5 who would not be members of the Association that
6 we are representing here today. In addition to
7 that, this is a highly convertible skilled category,
8 if your like, so that an agreement within the
9 Association likely would not have a significant
10 effect on the employability of strikers in this
11 particular field.

12 MR. POLLOCK: The convertibility
13 factor, I assume, is that they can go from driving
14 a transport truck to driving a tractor or a
15 Caterpillar or a mail truck or a taxi cab.

16 MR. SOMMERVILLE: Yes.

17 MR. POLLOCK: Or even get out of
18 that altogether and go to work as a labourer or
19 something like that, I suppose.

20 MR. SOMMERVILLE: Yes.

21 THE COMMISSIONER: Well, that is all
22 possible but it doesn't affect the fact that you
23 certainly haven't any agreement or disposition to
24 meet this with any sort of united front.

25 MR. SOMMERVILLE: Mr. Mackan will
26 take over next. Mr. Mackan, what company are you with?

27 MR. MACKAN: I am the General Manager
28 of Canal Cartage Limited, which is located in
29 Hamilton, Ontario and for your information, sir,
30 Canal Cartage is basically a bulk type of transport,

1 highway transport, operating throughout the Province
2 of Ontario and into certain areas of the United
3 States.

4 MR. POLLOCK: Bulk what?

5 MR. MACKAN: Bulk commodities.

6 Tank trucks and dump trailer vehicles, everything
7 from chemicals right through to scrap iron,
8 practically any commodity that is used in industry
9 today, we transport. We are involved in a labour
10 dispute that occurred with an associate company
11 of ours and Canal Cartage is owned by W.J. Marshall
12 Management Limited, who, in turn, control Quigley
13 Construction Company Limited. Quigley Construction
14 Company has a contract with Local 879 of the Teamsters'
15 Union and the same contract expired December 31st,
16 1965. It commenced negotiation in January and
17 these negotiations carried on until probably mid-
18 July, 1966, and then, on a catch-can basis from
19 July through to September. Quigley Construction
20 was placed in a strike position without warning,
21 by the Teamsters' Union, on the evening of September
22 16th, and the same strike continued through to
23 December 29th, 1966.

24 MR. SOMMERVILLE: How did you hear
25 about the strike?

26 MR. MACKAN: The knowledge of the
27 strike going to take place came very accidentally.
28 We had a driver who was being dispatched about three
29 hours prior to it being called and I am speaking
30 now of Canal Cartage. Perhaps, for some clarification,

1 I might stop for a moment and say to you that Canal,
2 as such, did not at this time have any direct
3 driver employees. It used the services of Quigley
4 Construction Company more or less as an employment
5 agency to obtain the driving force that it required
6 to operate the vehicles that Canal Cartage owned
7 itself as such.

8 MR. POLLOCK: And both of these
9 companies are owned by the same company?

10 MR. MACKAN: The same management
11 control, yes, but both are separate corporate
12 entities and both hold within this province, separate
13 operating authorities, they are not Joint.

14 In the evening, or mid-evening, at
15 9:00 or 9:30 in the evening, we had a unit that was
16 being dispatched on an extensive trip from Hamilton
17 and the driver realized that something would be wrong
18 and perhaps he would be out on the road when the
19 strike would occur. He made a telephone call from
20 our premises, which was overheard by our dispatcher
21 and wanted some direction from the business agent
22 of the local union as to what avenue he should
23 follow. We, in turn, suddenly realized that, in a
24 matter of minutes or hours we were going to be faced
25 with a shut-down, and we commenced to move the
26 vehicles that are owned by Canal Cartage from the
27 common premises that we enjoyed with Quigley
28 Construction Company, which is located on Quigley
29 Road in the City of Hamilton. We moved these
30 vehicles, or attempted to, approximately two miles to

1 leased facilities on Kenora Road in Hamilton. We had
2 moved successfully with many personnel, eight or
3 ten units, when several pickets appeared, and I say
4 pickets because this was their intent. They
5 appeared on the scene and when we commenced or
6 wanted to move additional units, there were far too
7 many of them in attendance then for us to do so
8 safely and we called and asked for some police
9 protection to remove the units from our yard.

10 MR. POLLOCK: Did they have any
11 signs identifying them?

12 MR. MACKAN: Yes, they did. They
13 had "Quigley Construction - Canal Cartage Limited,
14 Local 879 on legal strike". I emphasize that
15 fact, "Legal strike" because Canal Cartage had no
16 binding contract with the Teamsters' Union at this
17 time, no labour negotiations with any union at that
18 time.

19 MR. POLLOCK: It had no employees?

20 MR. MACKAN: As such, no, not at
21 Canal Cartage. But in the driver area, yes, with
22 Quigley Construction Company, yes, it was in a legal
23 position. I might add here that I, personally,
24 noticed that perhaps a 60-40 or a 50-50 basis,
25 some of these were our employees and some of them
26 were not our employees and as the night progressed -
27 I am probably getting ahead of myself here momentarily,
28 but as the night progressed there appeared one
29 individual whom I never did identify, and I don't
30 think any of our management did, who seemed to be a

1 professional picket line organizer to us. He took
2 control and he directed and more or less carried on
3 - but I noticed in the action that took place through
4 the evening, that this gentleman, quietly stepped
5 aside in most cases. We had a pitched battle to
6 get our units out and when I say "pitched", I mean
7 fist fights and kicking, wrestling and tumbling on
8 the ground, with the police officers and they
9 attempted to pull the doors of the trucks open and
10 remove the drivers from them. One or two individuals
11 threw themselves in front of the trucks and they
12 lay down on the ground and they had to be picked
13 up and bodily removed by the police and then, our
14 location is located so that we have a ravine to go
15 through to come out onto the main intersection of
16 St. King/and Quigley Road, so we go down a hill exiting
17 from the yard and up a steep grade onto King Street. And here
18 they had poured motor oil, or some type of oil down
19 the roadway so that the trucks couldn't gain
20 traction to get up the hill. It created a most
21 difficult situation and we had units backed down
22 and finally we were successful by coming / the
23 shoulder of the road and burning our way up, which
24 is exactly what it is. It is constant turning and
25 skidding of the tires and the rubber burns off and
26 dries the pavement to a certain extent. We were
27 successful in exiting those units from the yard.

28 MR. POLLOCK: How many employees
29 are concerned in/ the unit that is under the bargaining
30 authority of the Teamsters?

1 MR. MACKAN: In total, at the time
2 the company would have approximately 240 to 260
3 employees. Of these, roughly half, or roughly 120,
4 would have been members of the Teamsters' group or
5 union.

6 MR. POLLOCK: That is 120 in the unit?

7 MR. MACKAN: Yes.

8 MR. POLLOCK: And were they all
9 members of the Teamsters' Union?

10 MR. MACKAN: Yes. We have shops
11 that were not organized and the employees here were
12 not members of the Teamsters' Union. We also have
13 equipment in the construction field that is operated
14 by members of the Hoisting Engineers and here, we
15 were under contract and were not involved there.

16 MR. POLLOCK: So 120 people were
17 the people that were on strike?

18 MR. MACKAN: Yes, and which in turn,
19 affected roughly 200.

20 MR. POLLOCK: At the picket line you
21 said approximately half were employees of Quigley.
22 How many people were there?

23 MR. MACKAN: When the original rush
24 of men arrived at the premises, there would be
25 roughly 50 and there could have been 60, but I
26 would estimate that 30 of these would be our employees
27 and I would not like to be tied down to a firm
28 figure there but, by visible count, I would say
29 that this would be the number of direct employees
30 from our company. In that group I particularly

1 noticed what I would call the age group between 18
2 and 23, and the type of individual you would readily
3 identify with rather long hair and jacket type of
4 thing and tight pants. It appeared to me that
5 they were enjoying it and enjoying it thoroughly.

6 MR. POLLOCK: These were not your
7 employees?

8 MR. MACKAN: No, they were not. We
9 had several instances through the evening and
10 another incident I personally was involved in at
11 our Kenora location ----

12 MR. POLLOCK: Before you leave this,
13 is there any distinction between those involved in
14 the scuffling and this group that you have just
15 identified - the 18 to 23 year olds and your
16 employees?

17 MR. MACKAN: How do you mean,
18 distinction?

19 MR. POLLOCK: Was everybody fighting
20 or was it this particular group that was involved
21 in more difficulties than your employees?

22 MR. MACKAN: No, they would all
23 be scuffling.

24 MR. POLLOCK: Were they fighting
25 with each other?

26 MR. MACKAN: No, they were not
27 fighting with each other, they were fighting with
28 the City of Hamilton police who were attempting to
29 open an avenue to allow our vehicles to go through
30 and proceed out onto the roadway. They blocked our

1 entrance completely and not only with their bodies
2 but another time with automobiles and at various
3 times, as the strike progressed they continued to
4 use these tactics.

5 I was listening and most interested
6 in the problems this company had, and they are
7 very similar to ours.

8 MR. POLLOCK: When you say "this
9 company" you mean Taggart?

10 MR. MACKAN: Yes. We experienced
11 almost identical situations. As I was telling you,
12 I was involved personally in another incident in
13 the Kenora yard where I attempted to take two of
14 our tractor trailer units through the picket line
15 into the yard and here I was subject to abusive
16 language that you only hear on the street, shall
17 we say; you and I certainly wouldn't use it.
18 Objects were thrown at me and I was told I would
19 be killed and everything that you could imagine
20 took place. As I entered the first time, there
21 was a scuffle again with the City of Hamilton police
22 and on the second unit, as I progressed, they broke
23 free and tried to come in front of it and the truck
24 actually struck one employee and spun him sideways.
25 I learned afterward that he had not been seriously
26 injured but he was spun sideways and was thrown to
27 the ground.

28 In the next two or three weeks, we
29 commenced to attempt to operate our company and
30 we were faced with identical situations. We had

1 several battles, and I mean battles, with picketers
2 and strikers at both our Canal location and another
3 location at No. 20 Highway in the City of Hamilton
4 that we use.

5 I think one of the peculiar things
6 about this situation was that, invariably we would
7 only have two or four pickets, but the moment we
8 attempted to move anything in or out of those
9 yards, within minutes - and I am not saying 15 or
10 20 minutes, but 2, 3 and 5 minutes - a mass would
11 appear and we were informed following this by the
12 City of Hamilton Police again, that they were
13 positioning themselves in the area so that they
14 could close in rather quickly.

15 We also learned that they had, in the
16 early stages of our strike, the use of walkie-talkie
17 radios where the men on picket duty sitting in cars
18 would call out to their reinforcements and at one
19 time the duty sergeant in the City of Hamilton
20 informed me that no longer were they issuing
21 instructions to their men with regard to our strike
22 over their radio, because these calls were being
23 intercepted and this information created havoc
24 when they arrived to do something, the picketers
25 were already there en masse.

26 I think again, if I am not ahead
27 of myself, I noticed as the strike progressed,
28 great numbers of our problems stemmed from the
29 Teamsters' hall itself which is located on Parkdale
30 Avenue, probably half a mile from the facilities we

1 were using. I don't refer to the Teamsters' Hall
2 as being it, but the beverage room. Whenever the
3 police wanted to do something, these people appeared
4 and this is where they came from. Now, I saw this
5 exodus personally, by observation of the Teamsters'
6 Hall and I know that in discussion later on that
7 these men were recruited there and I know this from
8 employees of our own and friends of mine who are
9 still in the trucking industry as drivers and who
10 relayed this information to me. I think it is
11 rather unfortunate that this beverage situation
12 exists such as it does.

13 MR. POLLOCK: How many of the 120
14 employees, that is of your employees, went out on
15 strike?

16 MR. MACKAN: I would think the
17 majority of them. We had very few stay. We had
18 roughly 10 or 12 who attempted to stay and this
19 narrowed down to probably 4 or 5 as the strike wore
20 on.

21 MR. POLLOCK: How were you attempting
22 to operate, then?

23 MR. MACKAN: We attempted to operate
24 with our own units by the use of new employees and
25 new drivers had been engaged and placed, and
26 by the use of what is termed broker units, that is
27 hired tractor units operating under our authorities.

28 THE COMMISSIONER: It is still on,
29 is it?

30 MR. MACKAN: No, this strike ceased

1 on the 29th of December.

2 To quickly give you some of the
3 incidents that we were involved in, I mentioned our
4 own yard facilities in Hamilton and the Kenora yard,
5 our number 20 Highway location and the sudden
6 appearance of strikers. On the first Sunday evening
7 of the strike, we moved a unit from Hamilton destined
8 for Sault Ste. Marie, Ontario, and this unit was
9 supposedly to have been moved under police escort -
10 and there is no reflection back on them - a mix-up
11 did take place and the driver stopped for clearance
12 light repairs at Waubushene at a service station. He
13 had hardly time to enter the service station location
14 and ask to borrow a screw driver and some assistance
15 and turned and the unit was disappearing off the lot
16 and up the road. It was found approximately ten
17 miles away. It had been run off the road into the
18 ditch and a hammer or some instrument had been taken
19 to the windshield and the hood and the lights and
20 the radiator in an attempt to quickly demolish it.
21 Unfortunately, we never did determine officially
22 who did it, but we have a very good opinion that
23 it was our own employee strikers who had stolen
24 this unit and taken it.

25 MR. POLLOCK: It was one of your
26 own tractors, was it?

27 MR. MACKAN: Yes.

28 MR. POLLOCK: They didn't damage
29 the cargo, did they?

30 MR. MACKAN: Only it was fortunate the

1 cargo didn't shift.

2 MR. POLLOCK: But they didn't set
3 it afire?

4 MR. MACKAN: Keeping in mind that
5 minutes after this matter was reported and the
6 Provincial Police in that area were on the alert,
7 and they found it approximately 45 minutes after
8 the theft. But in this time it had been driven
9 at that mileage and had been run off the road into
10 a field and had been smashed and the culprits
11 completely disappeared.

12 MR. POLLOCK: Was it turned over?

13 MR. MACKAN: No, it had not. When
14 it left the road, it looked as though it had been
15 driven off the road and into the ditch and then
16 smashed. It hadn't been run or turned over.
17 Someone took a hammer.

18 MR. POLLOCK: It was smashed with
19 a hammer. You could still drive the truck after
20 you fixed the radiator?

21 MR. MACKAN: After it was repaired
22 but you certainly couldn't drive it out of the
23 location it was in and in the condition it was in.

24 We had slashing of air hoses at our
25 Kenora yard where, even with security guards these
26 men managed to somehow filter into the yard. They
27 got between the tractor and the trailer and they
28 cut the air lines and slashed the tires.

29 MR. POLLOCK: Does the air line
30 run into the air brakes?

1 MR. MACKAN: From the tractor to
2 the trailer, and the back lines between the two
3 axles of the trailer. We had rock throwing incidents
4 and we had one yard peppered with rocks for hours
5 on September the 21st and September the 23rd. There
6 was considerable damage done to the particular
7 units involved and in one case the police were
8 struck with a rock. We had our unit stopped in
9 the City of Hamilton, as the men were threatened
10 in operating them. We had a driver phoned at home
11 and told that his unit was burned, or would be
12 burned if he continued to operate it. We had a
13 bar put through the radiator and shutters of a
14 unit located in Sault Ste. Marie while on the
15 premises of the Algoma Steel Corporation. We had
16 five tires slashed at Sault Ste. Marie. We had
17 a driver in Niagara Falls who continued to work
18 for us and he had himself threatened and his family
19 threatened and in this situation the driver has
20 two children that have a condition that is
21 incurable. It is a matter of time before they will
22 be hospitalized and from there there is no return.
23 This man was desperate for wages and earnings
24 and that is probably the reason he continued to work
25 for us. But in this case, they constantly harassed
26 him and they phoned his wife and threatened to burn
27 him and his children and just about anything you
28 could imagine, they did it.

29 We had a unit stopped in transit
30 from Beamsville to Niagara Falls, Ontario. It was

1 stopped on No. 53 Highway at Duff's Corner and the
2 driver threatened. He, in turn, returned to
3 Beamsville. These were two construction company
4 employees.

5 We had 32 damaged tires to the extent
6 of \$33 hundred in the west end of the City of
7 Hamilton. We had an employee's car burned at
8 Winona, Ontario. We had a driver who drove for
9 us, his wife was threatened, and constantly threatened.
10 She received a phone call telling her that her
11 husband was in the Greater Niagara General Hospital
12 in very serious condition and a funeral wreath
13 was sent to the home, and this continued throughout
14 the strike.

15 The same driver whose automobile was
16 burned, he lives in a secluded area north of
17 Grimsby, or to the south of Grimsby, and he is
18 subject to Township police patrolling and they
19 could not give him the constant surveillance of his
20 home. Throughout the night these strikers would
21 appear and they would drive in the driveway and
22 drive out and arouse his wife, phone her, laugh
23 and threaten and say, "You will never see him again".
24 This continued on for almost three months.

25 We had a storage barn where we
26 located tires and a tire service truck was burned,
27 and we had an incident in our office where these
28 grinding balls were thrown or catapulted through
29 the windows of the main office and this particular
30 grinding ball catapulted through the window and

1 grooved Mr. McDiarmid's desk and lodged itself about
2 14 feet across the office in the wall at about chest
3 level and embedded itself and the plaster still
4 remains on it. That is exactly how it stuck.

5 This type of instrument is far
6 more dangerous than even a bullet. There would be
7 no return if that thing ever struck you.

8 MR. POLLOCK: You are indicating
9 a metal ball about an inch and a half in diameter.

10 MR. MACKAN: It is a steel ball
11 about an inch and a half in diameter. I have two
12 of them here as exhibits but there were many more
13 thrown.

14 MR. SOMMERVILLE: That was embedded
15 how far in the plaster?

16 MR. MACKAN: To that depth there.
17 About a third of the way.

18 MR. SOMMERVILLE: How would this
19 be propelled?

20 MR. MACKAN: We learned after the
21 strike that it had been propelled by the use of
22 an inner tube used in two car doors and pulled
23 back, in sling-shot fashion.

24 We had an attempt to force one of
25 our units off the Queen Elizabeth Highway in the
26 Oakville vicinity by one of our strikers, one of
27 the Quigley strikers, I should say, who was driving
28 for another transport company at this time. After
29 repeated efforts to put our unit off the road, he
30 would stop suddenly in front of him and drop back

1 alongside and he would ease over and finally he
2 did pull off to stop and probably this saved an
3 accident by his conceding the issue.

4 We had a unit stopped at King City
5 on October 5th by a car and the driver got out of
6 the car and walked over to our driver and said,
7 "Going to the Sault? You'll never make it". The
8 driver's name in this case, was Harper.

9 But with all the incidents such as
10 I have related to you, and probably many, many more,
11 and I am sure I have given you examples enough,
12 I think in our particular strike there was a
13 pattern that was most deliberate and, again, I
14 apologize to you because I am talking to you from
15 the top of my head more than I am from a particular
16 brief. Our pattern began to develop two or three
17 weeks before the strike was called. There were
18 incidents of the business agent and our head
19 steward or chief steward visiting plant locations
20 and customers of ours and either management or the
21 business agent of the union representing those
22 customers or the stewards of those unions, asking
23 him if Quigley were involved in the strike, not
24 to load the units of Canal Cartage or telling them
25 that if they did, they would be subject to picket
26 line action.

27 We also had an incident 8 days ahead
28 or prior to the strike which didn't come to our
29 attention until probably the 16th or 17th of
30 September, where this was done in Beachville at a

1 company, and also on the same day that the strike
2 took place, keeping in mind that this strike didn't
3 become effective until almost midnight of the 16th,
4 and yet until September the 16th, 1966,
5 they saw fit to have prepared and mailed a letter
6 or notice form that Mr. Sommerville has.

7 MR. POLLOCK: This will be marked
8 Exhibit No. 5.

9
10 EXHIBIT NO. 5: Letter

11
12 MR. SOMMERVILLE: Do you know when
13 that was received by customers and others?

14 MR. MACKAN: Yes, on the morning
15 of the 17th. of September. I think, again, I
16 should draw to your attention the fact here that
17 this strike involved Quigley Construction Company
18 and certainly not in any legal way, Canal Cartage.
19 And my reference to pickets and strikers are those
20 pickets and strikers of Quigley or their reinforced
21 pickets and assistants, should we say, and their
22 efforts to stop the operation of Canal Cartage which
23 we considered under the laws of our province to be
24 legally operating.

25 MR. POLLOCK: Well, these employees
26 of Quigley Construction were employees of Quigley
27 Construction for payroll purposes at least. Did
28 they do any work other than driving for Canal
29 Cartage?

30 MR. MACKAN: Yes, they could and they

1 did in numerous instances.

2 MR. POLLOCK: What was the ratio of
3 work they would do for Canal Cartage and Quigley?

4 MR. MACKAN: In the greater
5 percentage of those employees they would be driving
6 for Canal, but in the minority percentage there
7 were numerous employees who would also drive for
8 Quigley and who would operate for Quigley in certain
9 other areas, industrial equipment that we have
10 leased or rented in the City of Hamilton and in
11 our construction end.

12 MR. POLLOCK: But if Canal Cartage
13 doesn't have any employees of its own to drive
14 these trucks, then it must operate these trucks
15 by their related company employees, Quigley?

16 MR. MACKAN: Not necessarily whatever.
17 I think we could operate those trucks with any
18 employees that we so desire to.

19 MR. POLLOCK: But, in practice,
20 when Quigley Construction hired these people, you
21 hired them with a view to driving Canal Cartage
22 trucks?

23 MR. MACKAN: To some degree, yes.

24 THE COMMISSIONER: Yes, but wouldn't
25 you pay a hiring company for their services?

26 MR. MACKAN: Canal Cartage would
27 pay Quigley Construction for those services.

28 THE COMMISSIONER: But Quigley
29 Construction is another company?

30 MR. MACKAN: Yes, sir.

1 THE COMMISSIONER: When you had
2 your trucks driven by the employees of another
3 company, you paid for that service?

4 MR. MACKAN: Yes, we do.

5 THE COMMISSIONER: You pay them for
6 the use of their employees?

7 MR. MACKAN: Yes, we do.

8 THE COMMISSIONER: Well, they really
9 carry out your work, so far as they are operating
10 your vehicles, they are your agents.

11 MR. MACKAN: In truth, sir, they
12 would probably be identical to Manpower Services
13 who supply practically any industry or office with
14 a facility that would be required.

15 THE COMMISSIONER: Well, for that
16 purpose they are doing your work?

17 MR. MACKAN: Yes.

18 MR. POLLOCK: With the exception
19 that Quigley and Canal are in a much closer
20 relationship than Manpower Services. They are
21 owned by the same holding company.

22 MR. MACKAN: That is very true.

23 THE COMMISSIONER: But I don't see
24 what difference that makes. They are an independent
25 corporation?

26 MR. MACKAN: Yes, they are.

27 THE COMMISSIONER: Do you attribute
28 this catalogue of things - it is pretty hard to make
29 it more hideous - to this particular union as being
30 worse than is ordinarily met with in a strike?

1 MR. MACKAN: I would say, yes. I
2 have been associated in the trucking industry from
3 approximately 1951 and have been with Canal Cartage
4 since 1954. I have not been directly involved
5 in a legal strike with the exception of one or two
6 wildcats but I have watched the industry generally
7 and have known what has taken place and have known
8 what we, while we are still operating, are faced
9 with and things that took place with us. I think
10 because of the broadness, should we say, of the
11 trucking industry, that it is open to this type
12 of thing more so than some other areas.

13 THE COMMISSIONER: Greater escape
14 possibilities?

15 MR. MACKAN: Yes, and it appears
16 also to have an element of individual, an element
17 of the degree that are swayed to this type of thing.
18 They are led to it. The Teamsters have never had
19 any qualms about stating flatly in our case, and
20 others that I am aware of, that they will stop you
21 one way or the other, and they openly tell you this.

22 THE COMMISSIONER: Well, now, you
23 mentioned that the strike ended December 29th. Was
24 it by agreement with the Teamsters?

25 MR. MACKAN: Yes.

26 THE COMMISSIONER: How did the terms
27 compare with those that you were willing to make
28 in September?

29 MR. MACKAN: Again, sir, I should
30 correct you here. We ended the strike with Quigley

1 on December 29th. But to answer you, how did they
2 compare, I don't think that their gains were great
3 at all for a strike that involved such a duration
4 as almost four months. We settled on an initial
5 increase to the men, which was approximately 20 cents
6 an hour. The Teamsters had asked us for a dollar
7 an hour increase and this had come down in gradual
8 scale where the breaking off negotiation, we were
9 at a 70 cent level, that they were asking for.
10 Finally, they settled. Of course, there are
11 additional gains that they get over the term or
12 life of the contract. But, in total, their
13 total gain over the life of the contract would be
14 about 40 cents or 45 cents, and they had originally
15 asked us in excess of a dollar per hour. We, in
16 turn, had offered to them a 17 cent differential
17 between our final offer and the final settlement
18 terms.

19 MR. POLLOCK: To avoid some confusion,
20 in my mind anyway, you have a position with Canal
21 Cartage. What is it?

22 MR. MACKAN: My personal position
23 is General Manager.

24 MR. POLLOCK: Do you have anything
25 to do with Quigley Construction?

26 MR. MACKAN: Yes, I work in the sales
27 area and the traffic area for Quigley Construction.

28 MR. POLLOCK: So you work with both
29 companies?

30 MR. MACKAN: Yes.

1 MR. POLLOCK: Is there any other
2 relationship between the people who work for
3 Quigley and the people who work for Canal, such as
4 the Board of Directors, or Directors?

5 MR. MACKAN: They are common.

6 MR. POLLOCK: In the trucking area
7 of Quigley and Canal, are they common there too?
8 If I was going to negotiate something with Canal
9 Cartage and something with Quigley, I would probably
10 be talking with the same people?

11 MR. MACKAN: Not necessarily, no,
12 but to some degree, yes, but not completely.

13 MR. POLLOCK: And you carry on
14 some of the work in construction which would
15 probably be separate from the transportation aspect?

16 MR. MACKAN: We carried it on for
17 a period of time and then harassment spread into that
18 area. We seem to have an open acceptance, shall we
19 say, by the operating engineers, they were going
20 to become involved in the matter. When I say
21 "involved", they became involved because they would
22 not take a firm position and say to the men, "You
23 work, you are under an existing contract, a bona fide
24 contract". So that, eventually, the Teamsters were
25 successful in shutting down the larger portion of
26 the Quigley Construction area of the operation.

27 MR. POLLOCK: What was the nature
28 of that operation?

29 MR. MACKAN: It is leasing of
30 industrial bulldozers, front-end loaders, Euclid

1 trucks and dump trucks to industries and sub-contracting
2 for earth moving and this type of thing.

3 MR. POLLOCK: It was all related to
4 a type of vehicular operation?

5 MR. MACKAN: Or construction
6 equipment.

7 MR. POLLOCK: But you didn't build
8 anything, you weren't engaged in building buildings
9 or anything like that?

10 MR. MACKAN: Not buildings, no.

11 MR. POLLOCK: But you were in the
12 area of excavations?

13 MR. MACKAN: Excavations. If this
14 building was going to be built, we would probably
15 do a sub-contract to excavate it but we wouldn't
16 have anything to do with the actual building.

17 MR. POLLOCK: All involving some
18 kind of a machine that is self-propelled?

19 MR. MACKAN: We rent and lease
20 front-end loaders and bulldozers and earth scrapers
21 to people in industry in Hamilton, the steel industry
22 and others.

23 MR. SOMMERVILLE: Mr. Mackan, where
24 is your premises in relation to the Teamsters' Union
25 Hall at Hamilton?

26 MR. MACKAN: I would say about a 5
27 minute drive, or a 3 minute drive. Roughly a mile
28 and no more than a mile and a quarter.

29 MR. SOMMERVILLE: What affect did
30 that have on the picketing and violence that you have

described here?

MR. MACKAN: Well, as I was mentioning, it seems to me it had quite an effect. It gave them an unlimited reinforcement when it came to attempting to stop anything that we were trying to do. As I mentioned earlier, within minutes they had shall we say, masses there.

MR. SOMMERVILLE: Mr. Mackan, do you know whether or not the Teamsters' Hall in Hamilton has a licence for a beverage room in Hamilton?

MR. MACKAN: Yes, it does.

MR. SOMMERVILLE: Has that had any part in this affair?

MR. MACKAN: Yes.

MR. POLLOCK: I think he has already mentioned that.

MR. SOMMERVILLE: You were in contractual relation with other unions at this time, at the time this matter took place?

MR. MACKAN: Yes.

MR. SOMMERVILLE: You were asked whether you attribute these events to a particular union. How would you compare over the years, your relation with the Teamsters and your relationship with union or unions other than those which you were in relations with?

MR. MACKAN: I would have to think that the Teamsters are the more violent than them all, and the more direct, frankly, telling you how

1 they are going to stop you in any given way.

2 MR. POLLOCK: In addition to the
3 operating engineers or hoisting engineers that you would
4 have relations with, what other unions are you
5 concerned with?

6 MR. MACKAN: As a company we do
7 not have any relationship other than the Teamsters
8 and the Operating Engineers, but in my own field,
9 in my experience, we have had relationships. We
10 have relationship because of contact of our
11 vehicles into premises with the electrical workers
12 and the steel workers, the Brotherhood of Railroad,
13 complete. We have been involved in situations
14 where picket lines have been established and loads
15 have been in transit several hundred miles from
16 Hamilton and we arrive on the scene and we have
17 to contact these locals because of the nature of
18 the goods, "Could we deliver it?". In most cases
19 I find them far more receptive than Teamsters.
20 Teamsters flatly refuse, and I also know from
21 experience that they attempt to induce other unions
22 not to unload. We experienced this ourselves even
23 following our settlement.

24 On the 17th of January this year,
25 in the brief before you you have an incident in
26 Sarnia and we had the identical incident with one
27 exception. We changed the tractor on the front end
28 of the trailer and put a company-owned unit with a
29 member in good standing of the Teamsters' Union
30 on it and still didn't get that truck unloaded until

1 probably midnight that evening at a cost of about
2 \$200 additional. So they are very active in
3 supporting carte blanche all unions. Just recently
4 in Hamilton we had two situations where they had
5 instructed - and again this is by direct relation
6 back by the driver to us - that they don't want our
7 units delivering, or any trucker delivering to
8 these plants; they want them to honour all picket
9 lines. We don't have ^a/picket line clause in our
10 contract and I, personally, believe this is a
11 terrible thing, that when you can get organization
12 such as we are seeing now coming about in this
13 province that can stop every movement of goods
14 and every conceivable type of goods that could be
15 moved, this is terrible. It is horrible.

16 MR. SOMMERVILLE: Mr. Mackan, you
17 mentioned customers of your company were approached
18 as much as a month before the strike?

19 MR. MACKAN: That is right, yes.

20 MR. SOMMERVILLE: The customers
21 that were approached, do they represent a very
22 substantial part of the business with your company?

23 MR. MACKAN: Yes, they did.

24 MR. SOMMERVILLE: During the strike
25 did you move Quigley trucks?

26 MR. MACKAN: We did not move one
27 Quigley vehicle during the strike, nor did we
28 attempt to.

29 MR. POLLOCK: So that Quigley was
30 closed down?

1 MR. MACKAN: Completely. Again, with
2 the exception of the equipment under the engineers.

3 MR. POLLOCK: What percentage would
4 that be?

5 MR. MACKAN: A small percentage.
6 The majority of the Quigley equipment would be
7 in road stock and the truck type of thing, construction
8 type of vehicles such as trucks and highway units.

9 THE COMMISSIONER: Were they
10 interfered with in any way?

11 MR. MACKAN: We did not try to
12 move them, sir.

13 MR. POLLOCK: But the majority of
14 your employees would be concerned with either their
15 normal operation in working for Canal Cartage; that
16 is the majority of Quigley employees?

17 MR. MACKAN: No, not the majority
18 by any means.

19 MR. POLLOCK: I thought you said
20 over 120.

21 MR. MACKAN: Well, when you asked
22 me the majority, I must go back and say the total
23 employment numbers for Quigley Company is in the
24 area of 250. Now, of those 250, probably 70 to
25 80, or closer to 100 would be drivers. All
26 Teamsters in the unit, and I am not accurate on
27 this but I estimate 120. It is definitely in the
28 100 neighbourhood.

29 MR. POLLOCK: So, a little less
30 than half of the Quigley employees would be in their

1 normal operations driving for Canal Cartage.

2 MR. MACKAN: Yes.

3 MR. SOMMERVILLE: There is one last
4 question, Mr. Mackan. On the night the strike broke
5 up, were Canal units loaded with customers' goods
6 tied up?

7 MR. MACKAN: Yes, they were.

8 MR. SOMMERVILLE: To what extent?

9 MR. MACKAN: We always have a
10 certain number of units loaded and most of these
11 goods are going into industry where, in numerous
12 cases they are loaded for a purpose because the
13 industries are working to a minimum stock situation
14 and they depend on us to deliver these goods to
15 keep furnaces, et cetera, going or their manufactured
16 processes going. We had several units loaded that
17 night for customers of ours.

18 I would also like to mention the
19 fact that Canal was successful in obtaining an
20 injunction, a very broad injunction and I think here
21 there are two areas that I would like to draw to
22 your attention. I have noticed remarks about the
23 unions in particular, labour not having the opportunity
24 to cross-examine or question when an injunction is
25 issued. When our first injunction was granted to
26 us, they had probably 8 days where the Justice
27 of the Supreme Court had given them the opportunity
28 to cross-examine on the affidavits that supported
29 the application for the injunction.

30 MR. POLLOCK: That is prior to an

1 injunction issuing.

2 MR. MACKAN: No, the injunction was
3 issued, laying out the terms and so forth, and
4 limiting the number of pickets at the location.
5 It was limited, or it was done with the right - it
6 was done this way to do exactly what they wanted
7 to do. To let them cross-examine on the affidavit
8 supplied or to bring evidence against these and here
9 they did not do it.

10 MR. POLLOCK: Well, let me understand
11 this. Was the injunction delayed in its effect
12 for 8 days or was the injunction granted and then
13 they had 8 days afterward?

14 Mr. mackan; The injunction was
15 granted and the court noted it was to be
16 " adjourned until Wednesday the 19th of October and
17 it does order that the injunction granted by" and
18 so forth . So the injunction was granted and it
19 was to be brought back before the courts again in
20 October, on the 23rd day, and in the interim period
21 the Teamsters were instructed, or their legal
22 counsel was instructed that if he desired to cross-
23 examine and which they claimed they had not had
24 the opportunity, that they could do so.

25 MR. POLLOCK: It was granted ex parte
26 originally, was it?

27 MR. MACKAN: No, it wasn't, it was
28 an application ----

29 THE COMMISSIONER: Were they
30 represented on the original notice?

1 MR. MACKAN: Yes, they were served
2 notice of the application for the original injunction.
3 The first one was granted on September 23rd and
4 we reappeared October the 5th and it was continued
5 until October 19th. Following October 19th, we
6 were given a permanent type of injunction. In this
7 period, not once, and we were to be available to
8 them, on a day-to-day basis or a 24 hour basis,
9 for cross-examination. And not once did their
10 legal counsel or they themselves request a cross-
11 examination of the people involved from our company
12 in the affidavits that had been supplied.

13 THE COMMISSIONER: Would you
14 attribute some of these characteristics to the
15 fact that it is an international union running
16 into the United States and they are bringing what
17 has been developed in the way of campaign tactics
18 up to this country? Or is it something that has
19 been generated here?

20 MR. MACKAN: No, I think it is a
21 case of following an example of that which has
22 taken place in the U.S. I personally feel that
23 it is very deeply involved with the International,
24 yes. There is no question in my mind about that.
25 It is a very difficult thing to find facts on
26 but just on knowledge that you acquire on any
27 industry or business that you are involved in, you
28 know these things but how you prove them is another
29 matter. I feel strongly that it is influence.

30 MR. SOMMERVILLE: Well, Mr. Commissioner,

1 I have the documents dealing with the judgments,
2 order and writ of summons and supporting documents
3 in the injunction proceedings which I would ask
4 to file now.

5 MR. POLLOCK: Then this will be
6 Exhibit 6.

7
8 EXHIBIT NO. 6: Documents dealing with
9 injunction proceedings

10 THE COMMISSIONER: Can you see
11 your way out of this, to minimize such performance
12 as that?

13 MR. MACKAN: I think the situation
14 will continue to deteriorate. I think the next
15 contract for the trucking industry as a whole
16 that it is faced with, will be hell. I think our
17 own will be.

18 Going back and commenting further,
19 again, we know and have had since the beginning
20 of the strike, we have this matter confirmed to us,
21 that the Teamsters deliberately plotted our strike
22 because they wanted a master contract in our type
23 of business that they could then go to other companies
24 that they were going to commence negotiations with
25 and say, "Here is what we got there. You pay this
26 on these conditions or you aren't going to run".

27 THE COMMISSIONER: Why don't you
28 all join together and say, "We will negotiate as one"?

29 MR. MACKAN: In a single contract?

30 THE COMMISSIONER: As a master

1 contract containing the essential conditions. That
2 has been done in other cases.

3 MR. MACKAN: Yes, it has, but I would
4 suggest here that anything of this nature has certain
5 weaknesses. In our situation - our particular
6 situation - a great amount of our competition is
7 the non-organized type.

8 THE COMMISSIONER: That is true, but
9 have any efforts ever been made to bring them in?

10 MR. MACKAN: Yes, in some areas
11 there have been steps taken and endeavours made
12 to bring these groups together and in some areas
13 they have come together.

14 THE COMMISSIONER: I suppose you
15 would say this - that when these things occur the
16 only effective means, and although they are not
17 fully sufficient, would be immediacy of action.
18 If you have a police force, you want to have
19 them in a position to arrest immediately. And even
20 in dealing with a picket line, you say a picket
21 line is illegal. Most of these questions of proof
22 and one thing and another, disappear and they have
23 no business to be around your gates at all. They
24 could be arrested without further evidence as to
25 their offence. Wouldn't that be a practical thing?

26 MR. MACKAN: I think it would be
27 very practical and I think it would be also practical
28 if they would prohibit them from going to industry
29 and picketing where they, themselves, are not
30 involved. We have had numerous instances of this

1 taking place.

2 THE COMMISSIONER: Well, that would
3 be a secondary action.

4 MR. MACKAN: I, as a person, believe
5 that the only true way to experience or understand
6 picket line action, regardless of what anyone
7 declares or states, that pickets, or a picket line
8 can be properly conducted and controlled. The
9 only way to determine this is to experience it and
10 to view it and to go through this whole thing,
11 because, I will tell you, you can't control them.

12 THE COMMISSIONER: Well, that has
13 certainly been the evidence so far, that it is
14 nonsense to talk about good manners in a picket line.

15 MR. MACKAN: There are not any.

16 MR. POLLOCK: In some cases that
17 is true. In your particular case, your experience
18 with the Teamsters, that would be the situation.

19 MR. MACKAN: In all my experience
20 in the City of Hamilton, this is very rare.

21 THE COMMISSIONER: You are not
22 confining that to the Teamsters?

23 MR. MACKAN: No, I am not.

24 There are one or two other small
25 items that I would like to mention to you and, again,
26 perhaps I am replying to a question you made earlier.
27 You were mentioning about a closed shop. One of the
28 things that is now taking place in our union is -
29 and you related it, Mr. Pollock, related it to the
30 Rand Formula where you pay your dues. But in most

1 contracts it states that the member must be in good
2 standing and we are now going through a situation
3 where the union executive board is charging certain
4 of our employees and suspending them for periods
5 of time or life from the membership in the Teamsters'
6 Union. Now, tell me, how can these continue to
7 be employed by you under the terms of your
8 contract, dues or no dues?

9 MR. POLLOCK: All union members at
10 the time shall maintain their membership. It is
11 a maintenance of membership clause.

12 MR. MACKAN: That's fine, but we
13 have a situation where members were union members
14 and continue to this day, in some instances, to
15 be members, they are paying dues and have received
16 notice, and some of them have had those notices
17 acted upon and they appeared before the executive
18 board of the Teamsters' Local 879 and have been
19 barred from that same union. You have no appeal
20 against this whatever. You, as management, are
21 not even allowed to act or assist that employee
22 in any way, whatsoever. This is a terrible wrong.

23 THE COMMISSIONER: In the United
24 States, and I am not sure if it is in the National
25 Labour Relations Poard or not, but isn't there a
26 provision to the effect that the only ground on
27 which a man may be expelled from a union is failure
28 to pay fees?

29 MR. SOMMERVILLE: I don't know the
30 answer to that, but I do know, as far as the Teamsters ---

1 THE COMMISSIONER: It is the converse
2 of compulsory check-off. The check-off says
3 you needn't join the union but you have to pay the
4 fees. This is that you must join the union but
5 you can't be expelled from the union except for
6 non-payment of fees.

7 MR. SOMMERVILLE: Mr. Mackan, these
8 are three documents: Do you know what they are?

9 MR. MACKAN: Yes, sir, I do. The
10 first document is a pamphlet that began to appear
11 on the 19th of October throughout the Province of
12 Ontario at the gates of industries we had served
13 or were attempting to then serve. And it was
14 distributed again, by our own knowledge, by members
15 of the Teamsters and members of other unions, but
16 generally by Teamster members.

17 MR. SOMMERVILLE: This urges employees
18 of those companies not only to not do work in
19 connection with Quigley, but it also mentions
20 Canal and Woodley, and Peter Sloak and Sons, K.S.
21 Marshall and sons, McFeeter and Bailey, as people
22 that they are not to cooperate with. Is that the
23 tenor of it?

24 MR. MACKAN: Yes, it is.

25 MR. SOMMERVILLE: What are those
26 other documents?

27 MR. MACKAN: These are documents
28 that were distributed at the Canadian Westinghouse
29 plant gates in Hamilton by United Electrical Workers.
30 One makes reference to us again and to the Teamsters'

1 Union and asks for financial support for victory.

2 MR. SOMMERVILLE: This is published
3 by the United Electrical Radio Machine Workers of
4 America, Local 504.

5 MR. MACKAN: Yes. This, again is
6 by Local 504 and it says, "Quigley's settlement
7 exposes injunctions phoney.

8 MR. SOMMERVILLE: I wonder if these
9 might be filed?

10 MR. POLLOCK: These will be Exhibit
11 No. 7.

12 EXHIBIT NO. 7: Three pamphlets distributed
13 by Teamsters' Union to
14 customers of Quigley
15 Construction Company
16

17 MR. MACKAN: There are one
18 or two other items, and if you will permit me,
19 I would like to mention them to you. Organization
20 of the pickets. Probably again, and very
21 definitely from October on, when it appeared that
22 our strike was going to be of some length, we noticed
23 in front of Quigley's, one or two pickets, and the
24 same pickets day in and day out on what would appear
25 to be a 12 hour shift. Investigation of this
26 and subsequent proof, I should probably say this
27 matter revealed that all the strikers were receiving
28 strike pay and were signing the strike pay over
29 and it was being distributed, and the pickets
30 remaining on duty in front of where they were requested

1 were being paid \$75 per week. All the rest of
2 the employees went to work and we know and I can give
3 you those names, but I wouldn't mention them publicly
4 but I know the names of the companies where they did
5 go to work. Some of our employees - Quigley
6 employees - came and told me that this was the
7 plan of the Teamsters. They knew that they couldn't
8 hold these men out forever, that they had homes and
9 wives and families to support and they weren't going
10 to let them go back to work so they, themselves,
11 instructed them and, in some cases, assisted them
12 to find other employment and then set up for those
13 men - should we say any company has the type of man
14 who, if he leaves your employ it is very difficult
15 to locate. This type of individual remained as
16 picket duty and he received \$75 per week.

17 THE COMMISSIONER: Would it be
18 feasible to prohibit the employment of a striker
19 by an outside company?

20 MR. MACKAN: Would it be feasible?
21 Yes, I think it would.

22 THE COMMISSIONER: Do you think you
23 could sufficiently check it to make sure that the
24 great majority of them were not accommodated that
25 way? And what would its effect on the strike be?

26 MR. MACKAN: The effect on the
27 strike would be that after the first pay period
28 most of those strikers would want some settlement, and
29 probably would be agreeable to return to work. I
30 think that in the majority of negotiations the

1 company always goes beyond what it is initially
2 do,
3 prepared to/and unions come down. Now, if you
4 had some formula that when you reached this stage,
5 to say, "Gentlemen, we are prepared to give X number
6 of cents and you are prepared to concede. We
7 think here is a fair amount." You give it, and I
8 don't think we would have the problem and most
9 of the employees at this stage are agreeable.

10 THE CHAIRMAN: I must say it
11 appeals to me but it doesn't seem to appeal to very
12 many people.

13 MR. MACKAN: I think it would appeal
14 to the labouring man.

15 THE COMMISSIONER: But if there is
16 one hobgoblin that faces every labour man and
17 every employer, it is the idea of compulsory
18 arbitration.

19 MR. MACKAN: Yes, you are correct.
20 Let us simply say that experience in dealing with
21 government bodies is the reason for that fear, shall
22 we say, of this. I would be most pleased to go
23 into that a little further but not on public record.

24 THE COMMISSIONER: Well, take the
25 arbitration under the agreement, or the provision
26 for arbitration, where the county court judges
27 generally have served as chairman. Haven't those
28 decisions generally been very satisfactory? They
29 concern, I agree, an interpretation on the terms
30 of the contract but, on that basis, haven't they
31 been reasonably satisfactory?

1 MR. MACKAN: Not speaking from my
2 company standpoint but from a personal viewpoint,
3 I would say, no.

4 THE COMMISSIONER: To what do you
5 attribute the failure?

6 MR. MACKAN: One of the greatest
7 things I would attribute the failure to is lack
8 of understanding of the situation or lack of
9 knowledge of the particular industry that is
10 being affected.

11 MR. SOMMERVILLE: I believe that
12 concludes the factual material we wanted to present
13 to you to supplement the material set out in the
14 brief, Mr. Commissioner. Is it the Commission's
15 wish to adjourn at this point and return this afternoon
16 for further material and public session?

17
18 ---Luncheon adjournment
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1 ---On commencing at 2:00 p.m.

2 MR. SOMMERVILLE: Mr. Commissioner,
3 I just have one more item of information to present
4 at this time. Then, I understand the Commission
5 may have some questions with regard to the submissions
6 that were made in our brief, and that would conclude
7 the matters that I would wish to present at this
8 stage.

9 One item is something that Mr. Perkins
10 will present, and I would ask him to do that now.

11 MR. PERKINS: It is a rather important
12 angle of this union leadership that should be brought
13 to light at this point. This guidance was given
14 to some of the members by some of those in
15 responsible positions. I refer to a phone call
16 that I had with the President of Local 106 in Montreal,
17 Mr. Omar Malboeuf. He is the President of Local
18 106, located in Montreal. I referred earlier to
19 the injuries to two of our employees by beating
20 them with pipes on Friday, October the 7th. Over
21 that weekend it was touch and go whether these men
22 would live or die. I couldn't reach anyone at
23 the union office until Monday. On Monday morning,
24 October the 10th, I placed a long distance call
25 from my office in Perth to the Local 106 in
26 Montreal and asked to speak to the President of that
27 Local, Mr. Malboeuf. I was very annoyed at the
28 tactics being used by the union at that time and I
29 made it very, very clear to him that I was thoroughly
30 disgusted that any union would carry on the way they

1 did against our people.

2 We discussed, of course, the injuries
3 to these men at that time and we still didn't know
4 whether they were going to come out of the hospital
5 or not. Of course, he denied that it was his men
6 that were doing it. I, of course, said, "If it is
7 not your men of the trade union, then it must be
8 somebody you are hiring to do it because nobody is
9 going around whacking people over the head".

10 Anyway, that was beside the point. I said, "What
11 about the stones and the other things - the egg
12 bombs that are being thrown at our men, the acid
13 and all the other things?". Mr. Malboeuf said
14 to me, "Oh, there is nothing wrong with throwing
15 stones during a strike". Now, if that is the type
16 of leadership at the top, then sometimes the members
17 do get into trouble. That statement was made to me
18 and it really shook me, to think that because you
19 are on strike or a member of a union, that they are
20 permitted to do things that I couldn't do as an
21 ordinary citizen.

22 MR. POLLOCK: Do you think he was
23 serious about that?

24 MR. PERKINS: Absolutely serious.
25 I took him to task about it and he argued with me
26 for some time.

27 MR. POLLOCK: What was the argument
28 that he advanced in favour, or in support of, the
29 stone-throwing theory?

30 MR. PERKINS: He said it was permissible

1 to throw stones during strikes and he argued with me
2 on that point. I argued on the other side and I
3 said that, "I have never met you and you have never
4 met me and I hope you don't think I am gullible
5 enough to believe that kind of thing". But this
6 is the kind of thing that shook me.

7 THE COMMISSIONER: Were any of the
8 men who used the lead pipe discovered?

9 MR. PERKINS: Yes, and one of them
10 is serving a term in jail.

11 THE COMMISSIONER: Are they on
12 this list?

13 MR. PERKINS: Well, one of the five
14 who used the pipe is Gerard Muron, and he is serving
15 a six-month term.

16 MR. POLLOCK: He was the nightclub
17 bartender or waiter or something?

18 MR. PERKINS: That is right. But it
19 was as a result of this terrible thing that
20 happened to these men and not knowing at that time
21 whether they would live or not, I called to tell
22 him that this thing had gone far enough, that this
23 surely isn't the way to settle labour problems. At
24 that time, the question of stones was brought up
25 and that was the answer I got.

26 MR. POLLOCK: Did he offer any
27 suggestions to you as to the coincidental nature
28 of the fact that these people were your employees
29 that were beat up by these assailants with
30 the lead pipe?

1 MR. PERKINS: He denied any
2 knowledge of the beatings at all. And, "Oh, it
3 couldn't be any of our men". And that was the time
4 I said, "Well, if it wasn't any of your men, it
5 must have been somebody you hired because nobody
6 is going around beating up truck drivers with lead
7 pipes in the Montreal region unless there is some
8 reason for it". And when I got that answer from
9 the local President of a union, saying it is per-
10 missible during a strike to throw stones, then I
11 can't condemn some of the actions of some of the
12 men who threw the stones so much because they were
13 told to do it. At least it is condoned by the
14 head of the union.

15 MR. SOMMERVILLE: Mr. Commissioner,
16 that concludes the presentation in terms of the
17 detailed, factual information that we wished to
18 present to you today. May I say, by way of summary,
19 that we have presented here, viva voce, probably a
20 tedious quantity of detail on these events that
21 took place and they have, of course, related to
22 specific situations. It is the burden, of course,
23 of our submission that these are not isolated
24 incidents and we have cited a great many other
25 incidents of the same kind of conduct on the part
26 of people when the Teamsters are involved in disputes.
27 We say, Mr. Commissioner, that this has gone on for
28 many years. It is a hallmark of disputes in which
29 this union has been involved with us. We are not
30 speaking of other unions because this is where our

1 experience has been. But this has been a pattern
2 and it is our submission that the evidence we
3 have presented in our brief and viva voce here
4 today, supports our submission that this is a
5 pattern. This is the deliberate use of this kind
6 of tactic, this kind of intimidation and violence
7 as a conscious instrument of policy. And if we
8 leave with nothing else, that is the one point that
9 we would like to leave with this Commission and
10 we hope that the recommendations that we have made
11 later on in the brief, will at least present some
12 ideas on how this kind of thing can be prevented,
13 not only in this specific incident and in dealing
14 with this specific union, but to ensure that this
15 kind of thing doesn't go on in relation to either
16 this union or any other union in the future when
17 changes may take place.

18 Now, having said that, it is my
19 understanding that the Commission does have
20 questions with regard to the recommendations that
21 are contained in the latter part of our brief
22 and perhaps it would be expeditious to proceed
23 with those at this time.

24 MR. POLLOCK: Thank you, Mr.
25 Sommerville.

26 On page 35 of the brief that I have,
27 under the heading of Union Accountability, it is
28 your submission that the imposition of vicarious
29 responsibility upon trade unions for certain
30 actions of their members would have some

1 salutary effect in reducing this type of violence
2 which you documented in the first part of your
3 brief. What are the standards, or the tests of
4 liability of this vicarious nature? Is it an
5 absolute liability so long as a man is a member
6 of the Teamsters' Union? If he does something
7 that the union itself, as a body, is then rendered
8 liable, or does it have to follow in some degree
9 the tests in the Polymer case where the type of
10 conduct that causes the damage is related directly
11 to the acts of union officers and stewards, and
12 people in the organization, the higher echelon of
13 the organization?

14 MR. SOMMERVILLE: Perhaps this
15 question can best be answered by pointing to the
16 extremes which are, in my respectful view,
17 untenable. For instance, no one would propose
18 that a union be made liable because an employee
19 engaged in some kind of criminal conduct that has
20 nothing to do with the policy or the objectives
21 or any dispute in which the union is involved.
22 If a man goes out and robs a candy store, for
23 example, nobody proposes that the union be vicariously
24 responsible for that. But where members of the
25 union - not merely officers of the union - but
26 where members of a union engage in the kind of
27 conduct that we have heard described at Taggart
28 Transport where a union policy objective is involved
29 and where the union may legitimately be expected
30 to exert control over their members in a situation

1 such as that, then we say the union should attract
2 vicarious liability. Now, that doesn't take you
3 very much further in specifying an answer to your
4 question and I am not sure that I could, perhaps
5 the Commission can, but I am not sure that I could,
6 say in two or three sentences, outline an area of
7 policy. But I think such a statement would deal
8 with events involving a policy, objective or
9 dispute in which the union is involved.

10 Secondly, events which the union
11 can legitimately be expected to control their
12 influence over its members.

13 MR. POLLOCK: You say the policy
14 objective of the union. Obviously, one of the
15 policy objectives of the union and the employees
16 is to conclude a collective agreement and resolve
17 the particular dispute. Now, if the union takes
18 the position that "we are ordering you to go out
19 and take part in this legal activity," and unwittingly
20 a group of people causes this damage and an official
21 in the group or someone in authority, I don't think
22 there is much question. But in those circumstances
23 where the union in good faith says to the membership,
24 "Now, no violence, let us do this peacefully and
25 we will close this plant up without causing any
26 broken heads," or something like that and in the
27 heat of the moment, or even planned, a rump group
28 goes out and says, "We are going to hit them where
29 it hurts" and it takes an unauthorized action.
30 How is the union going to be able to prevent that?

1 MR. SOMMERVILLE: Of course, the
2 conception of vicarious responsibility isn't always
3 a function of control. An employer, for example,
4 may be vicariously responsible for the actions of
5 an employee, even though it was done by the employee,
6 is not a matter of conscious control or even
7 influence by the employee. We are proposing to
8 take these specific examples that you have given,
9 where a dispute is involved where an employee takes
10 the law into his own hands, if you like, where a
11 union has in good faith told employees to keep
12 it peaceful. Even in those circumstances, in our
13 respectful submission, there is a case to be made
14 for imposing vicarious responsibility as we
15 proposed here.

16 MR. POLLOCK: Even where the employee
17 is not a member of the union but just a member of
18 the unit?

19 MR. SOMMERVILLE: This man is an
20 employee of the employer.

21 MR. POLLOCK: That is right, a
22 member of the unit but not a member of the union.

23 THE COMMISSIONER: Well, nobody
24 has suggested that you could attach, through the
25 corporation, the acts of a non-member.

26 MR. POLLOCK: In the concluding
27 paragraph on page 36, that is what it reads like
28 to me:

29 "When a trade union purports to
30 bargain collectively and represent

1 employees, surely it must bear some
2 responsibility to the community for
3 the actions of those whom it represents.
4 It is respectfully submitted that a
5 union should be answerable at law
6 if it is shown to be unwilling or,
7 within a reasonable time, unable to
8 prevent illegal work stoppages, the
9 persistent use of violence and
10 coercion and other continuing
11 offences."

12 MR. SOMMERVILLE: Let me say this: If
13 you had in a bargaining unit a group of employees
14 who were not members of the union involved and who,
15 contrary to the advice and perhaps in conflict
16 with the union that was certified and was the
17 bargaining unit, then I don't think one could
18 attempt to attach responsibility to the union.

19 MR. POLLOCK: I suppose you would
20 be satisfied with the position that, if the onus
21 were cast on them to exculpate themselves and say,
22 "Well, we tried to do this and we disciplined this
23 fellow and warned everybody else not to participate
24 in this action and perhaps we are free on that basis".

25 MR. SOMMERVILLE: Yes, so far as
26 the question of good faith, if you will, is the
27 question of fact to be determined by evidence.

28 MR. POLLOCK: From your submissions
29 is relation to strike voting, it would appear that
30 it is your view that the general membership of the

1 unit and perhaps the general membership of the
2 union, would favour a settlement if it were properly
3 explained to them and that the reason they reject
4 settlements is because they are (a) either not
5 given the opportunity to consider it at all, or (b)
6 it is not put forward in a fair light.

7 MR. SOMMERVILLE: Very often offers
8 are not put forward in a fair light and very often
9 factors other than the merits of the case influence
10 the voting of the members who are present at the
11 meeting, conducting such a vote, and very often
12 many of the members - and this applies in our
13 industry particularly, very often the members of
14 the union cannot be present at the meeting. You
15 heard Mr. Perkins' evidence about the meeting in
16 Pembroke, where only, obviously there was only one
17 employee and perhaps two who wanted to strike and
18 the others stayed at work. But here, you have
19 this strike vote situation which really I suppose
20 is a vote of confidence in the union executive and
21 that is the way it is presented to members. With
22 that the membership is effectively foreclosed from
23 expressing its views on the real issue, the real
24 alternatives that come before it when a conciliation
25 report comes down and when an employer offer is
26 made in other circumstances.

27 MR. POLLOCK: You suggest on page
28 40 that all picketing should be limited to employees
29 of the employer who is party to the dispute. In
30 these particular circumstances, is it your submission

1 on the basis of that that there would be less
2 damage inflicted by employees than by non-employees?

3 MR. SOMMERVILLE: No, I think it
4 is just one of a number of proposals to eliminate
5 the kind of picket line violence that has characterized
6 Teamsters disputes. If the employees of some of
7 the companies represented here today and others
8 mentioned in this brief, if picketing were limited
9 to those employees, it might be hoped (a) that the
10 numbers would be reduced, (b) that you wouldn't have
11 people who can be characterized as professional
12 picket line inciters involved in the picket line
13 situations and it might well be that the pickets
14 would behave more responsibly toward those seeking
15 entrance and egress who were, after all, their
16 fellow employees.

17 MR. POLLOCK: Of course we heard
18 from the Quigley - Canal Cartage situation that it
19 was the employees of Quigley that were, in fact,
20 identified in several cases, causing the violence.

21 MR. SOMMERVILLE: As I understood
22 Mr. Mackan to say, there were 50 or 60 per cent
23 on the first night, for example, 50 or 60 per cent
24 of the persons on the picket line were employees
25 and others were present as well. I don't think
26 he said that the violence people, the instigators
27 or the inciters, were Quigley employees.

28 MR. POLLOCK: Well, I think he said
29 in some of the cases where people had been followed
30 and dragged out of the trucks - in those cases

1 that action was done by Quigley employees.

2 MR. SOMMERVILLE: Yes, that is
3 quite right. But I think there was no suggestion
4 in what he had to say, that Quigley employees were
5 responsible parties for the pattern of violence that
6 took place.

7 MR. MACKAN: That is quite correct.

8 MR. POLLOCK: On page 41 you are
9 dealing with the topic of compulsory arbitration.
10 You suggest that on the finding of an independent
11 the tribunal, that / public interest is seriously
12 affected by a strike or a lockout, that there
13 should be some procedures available without the
14 necessity of having a special session of the
15 legislature to pass a bill to effect compulsory
16 arbitration. You are familiar, I suppose, with
17 the provisions in the Alberta Labour Act, section
18 99, I think it is, where the Lieutenant Governor
19 in Council has power to declare an emergency and
20 if it is done, then they have power to make the order.

21 MR. SOMMERVILLE: Yes.

22 MR. POLLOCK: It is a continuing
23 legislative position and it can be brought into
24 force at any particular time. That is the type
25 of thing you are suggesting?

26 MR. SOMMERVILLE: Yes, and the
27 question of that Lieutenant Governor in Council
28 making the declaration was discussed in preparation
29 of this brief. We did not include that as a
30 specific recommendation because we have to be frank

1 about the history of a brief such as this. There
2 was some doubt as to whether or not this was a
3 governmental function and whether or not governments
4 can always act in situations like this. It may
5 be that by independent tribunal the public would
6 be better served by a non-governmental tribunal.

7 MR. POLLOCK: Do we have that kind
8 in existence today or are you proposing creation
9 of a new one?

10 MR. SOMMERVILLE: We didn't go as
11 far as proposing creation of a new one and I suppose
12 that issue will be covered by other bodies. I
13 think it is inherent in what we say or implicit
14 in what we say, but we are talking about a different
15 tribunal.

16 MR. POLLOCK: Turning now to the
17 question of information during organizational
18 campaigns in which you say that both the employer
19 and the union should be perfectly free to attempt
20 to persuade employees to join or not join the union
21 involved. What is the interest of the employer in
22 convincing people not to join the union?

23 MR. SOMMERVILLE: Well, if you take,
24 for example the case that was placed before you
25 this morning, you have an employer who basically,
26 because of a union security provision in a contract
27 offered him, wanted to prevent entering into a
28 contract ----

29 MR. POLLOCK: What is your objection
30 to that?

1 MR. SOMMERVILLE: What is the objection
2 to organization?

3 MR. POLLOCK: Yes, if the employees
4 want it and the union security, I think in this
5 particular case was a modified Rand Formula check-off
6 in continuance, maintenance of an existing membership.

7 MR. SOMMERVILLE: I suppose there
8 are a host of reasons why an employer does not
9 want his employees to be organized in a particular
10 union.

11 THE COMMISSIONER: Or in any union?

12 MR. SOMMERVILLE: I suppose, Mr.
13 Commissioner, you have to deal with this kind of
14 situation on a given set of facts.

15 THE COMMISSIONER: Well, you may
16 dislike one union but I think the question was more
17 directed to the principle of accepting unionism as
18 a fact in our lives. There is no doubt in the
19 world that the collective action of workers in the
20 last 100 years has transformed social
21 conditions. It is quite possible that any movement
22 of that sort can go too far and I agree that all
23 the procedures, processes and movements have
24 limitations but it strikes me that it is too late
25 in the day not to take a principle of action, a
26 refusal to acknowledge and accept an organization
27 and then you are entitled to say, I would suggest,
28 that that organization has got to be subject to
29 limitations the same as every individual is.

30 MR. SOMMERVILLE: To put the question

1 in a practical context, the decision that faces an
2 employer is that there is an organization drive that
3 begins in his business. Now, that isn't by the
4 trade union movement generally. It is not by
5 something vague called the principle of organization.
6 We have said at the beginning that we recognize
7 the right of employees to associate themselves
8 in trade unions of their choice, but the employer
9 faces a decision in these terms. Here are the
10 Teamsters organizing your business. That is the
11 only question he can answer.

12 THE COMMISSIONER: Well, if you
13 apply it to a specific case, I can understand your
14 attitude. I was dealing with it more as a matter
15 of principle.

16 MR. SOMMERVILLE: It goes a step further.
17 Whether in our industry or any industry, the question
18 that is posed to him is not to recognize the right
19 of your employees or the desirability of your
20 employees to enter into a trade union or to be
21 represented by a trade union. The question that
22 is posed to him is because a particular union is
23 organizing and the question he has to answer is,
24 do I want my employees organized by this particular
25 union. He has no other question to answer.

26 MR. POLLOCK: Ought he to have any
27 choice?

28 MR. SOMMERVILLE: Well, we are
29 saying here that he ought to have the right to
30 express his views to his employees, yes, and there

1 are hosts of reasons why he would want to express
2 his views to his employees on that question.

3 MR. POLLOCK: I could think of a
4 lot of reasons why he would want to but I don't think
5 any of them are consistent with the principles of
6 the Labour Relations Act.

7 MR. SOMMERVILLE: Well, let us take
8 an example. I am not sure I know what that means
9 but let us take an example.

10 MR. POLLOCK: I will tell you what
11 it means, then. It means that one of the reasons
12 an employer wouldn't want to have the union is
13 because he doesn't want to be bothered bargaining
14 with anybody. He would like to be the master in
15 his own house forever.

16 MR. SOMMERVILLE: Well, that is
17 certainly a possibility but let us look at the
18 question in the context in which he must answer.
19 Suppose he has an organization drive on his hands
20 by a union that is not recognized by a number of
21 other unions and suppose he is engaged in commercial
22 relations with a number of companies who are in
23 contractual relations with what we will call the
24 recognized union. Then he might very well have
25 a very sound and very important policy objective
26 and say to his employees, "If you are going to be
27 organized, you must not, or you should not, be
28 organized by that particular union because you will
29 put us out of business and we won't be recognized
30 by these other unions". Now that is just one reason

MR. POLLOCK: Well, the question of being masters in their own house, I don't think really applies in those circumstances because they are, in a sense, advocating considerable responsibility or management's position to the steel workers across the street, because when the steel workers and Stelco come to an agreement it isn't very long if they want to preserve the non-union

1 status of their company, that type of agreement is
2 reflected in Dofasco. That is a far different
3 situation than the one where you get up and say,
4 "Don't you join my union". If you can persuade
5 them that your conditions are so good that you
6 don't need to join the union, that is a different
7 story.

8 MR. ENSERY: But you ask the
9 question: Should a man have the choice? And that
10 was only in answer to that.

11 MR. POLLOCK: Yes, but it is a
12 question of what tactics to use.

13 MR. SOMMERVILLE: The other aspect,
14 of course, and it may be that there are employers
15 in Ontario who would not wish their employees to
16 be affiliated with or associated with an international
17 union. Now, this goes to the character of the union
18 involved that I touched on before.

19 MR. POLLOCK: Now, in Appendix 1, a
20 rather interesting suggestion is made. Item No. 2,
21 your suggestion is that to control - well, I will
22 read it and we will talk about it:

23 "Strike provisions exist by
24 statute to provide organized labour
25 only with legal means of impressing
26 its position during legitimate
27 negotiation for new contracts with
28 management, their entire intent and
29 purpose become abused when employees
30 involved in strike declared by their

1 union seek and find employment
2 elsewhere without actually severing
3 employment with the company involved
4 in a dispute."

5 Your suggestion is that the Unemployment Insurance
6 Act be amended to make it illegal for an employee
7 to seek and obtain duplicate unemployment insurance
8 books without notifying his current employer that
9 he intends to sever the relationship. Would that
10 provide a means whereby an employer would have
11 some control over knowing who has got other jobs
12 and who hasn't? Would it be an absolute check in
13 all circumstances?

14 MR. SOMMERVILLE: I think not but
15 I think you have to harken back to the time and
16 circumstances in which these recommendations were
17 made. These were made back in April, 1966 before
18 this Commission was proposed.

19 MR. POLLOCK: I don't quarrel with
20 the suggestion. I think it is a rather interesting
21 one, that is all.

22 MR. SOMMERVILLE: I think this
23 stems from a general resentment of the fact that
24 an employee may strike you and go and take another
25 job and still retain status as your employee and
26 still have substantial rights as a struck employer
27 and employee. I think it arose as well out of
28 certain specific facts in the situation in the
29 general trucking strike in 1966. Whether the
30 making it illegal for an employee to seek and obtain

1 a duplicate unemployment insurance book in itself
2 would solve the problem ----

3 MR. POLLOCK: No, no, but I wanted
4 to know whether that would be an accurate check.
5 If, for example, you decided that once somebody
6 took alternate employment he was no longer in your
7 employ, would this suggestion be sufficient to
8 patrol that type of situation? Would you know
9 whether or not people had taken alternate employment
10 if this unemployment insurance book idea were put
11 through?

12 MR. SOMMERVILLE: In many cases
13 you would know. I can't give a definitive answer
14 as to whether this would solve the problem. I can
15 think of some circumstances where you wouldn't know.
16 To give one example, a man could, one way or another
17 buy a tractor of his own and become a transport
18 broker as an independent contractor and he wouldn't
19 be subject to unemployment insurance in those
20 circumstances and, therefore, he would still be
21 in the business and be doing something else and
22 he would for all practical purposes, in my submission,
23 have ceased to be an employee of the struck employer
24 and yet he wouldn't be involved in unemployment
25 insurance.

26 MR. POLLOCK: If he bought the truck
27 I doubt very much if he would come back as an
28 employee.

29 MR. SOMMERVILLE: That doesn't
30 necessarily follow knowing the economics of a

1 broker operator.

2 MR. POLLOCK: The next submission you
3 make in the appendix - item No. 3, where you say
4 that you need:

5 "legislation to qualify and
6 strengthen enforcement ^{of} / definition
7 and provisions dealing with illegal
8 work stoppages, so that they may
9 be controlled more rigidly. Such
10 amendments should include measures
11 to prevent strike activity and
12 'secondary boycott' from being
13 applied against normal operations
14 of business not involved directly
15 in a contract negotiation of which
16 the primary strike activity is a
17 result."

18 What do you really suggest in that case? Have you
19 any ideas? This is something we have been trying
20 to find out for a long time.

21 MR. SOMMERVILLE: I think you can
22 read that as replaced and superceded by the
23 recommendations in the other part of our brief.

24 MR. POLLOCK: I see. Now your
25 concern in the main is with the Teamsters and point
26 No. 6 of your resolutions deals with appointment
27 of a Royal Commission enquiry into the entire
28 organization and structural tactics of the Inter-
29 national Brotherhood of Teamsters. What do you
30 think that inquiry could do as a result?

1 MR. SOMMERVILLE: Well, I guess
2 there have been other examples in this country
3 of trade union organizations having been investigated
4 one way or another and governmental action hasn't
5 followed from that. I am speaking of trusteeship
6 with regard to certain maritime unions. I wouldn't
7 presume to prejudge what the result of such
8 investigation would be. We think there is a prima
9 facie case in the material presented here and
10 we felt in 1966, before any of the events that we
11 have described here today took place, we thought
12 then that there was a prima facie case for saying
13 this was a union not deserving of autonomy, by its
14 past conduct. And we think there is a prima facie
15 case and we thought then there was a prima facie
16 case for an investigation and if it were found that
17 the union was not operating in the public interest,
18 if it were found that by reason of persuasion or
19 control in other countries or by reason of the
20 actions of local people or by reason of the actions
21 of rebel groups within the union that it was not
22 responsible in/^{the}public interest, then as a public
23 body and one whose actions did affect the public
24 interest, it might be that such a commission might
25 make a recommendation which would, in some measure
26 correct the situation and that recommendation would
27 take away for a period at least, the autonomy of
28 those/^{who}presently, then and now, control the Teamsters'
29 Union in Ontario.

30 MR. POLLOCK: You think some of the

1 problems could be lessened by the alleviation of
2 some of the internal political problems in the
3 Teamsters' Union?

4 MR. SOMMERVILLE: Some but not all.
5 Now, to be frank, there was a strike last year
6 and it is clear that many of the problems in that
7 strike had to do with internal problems in the
8 Teamsters. I don't think that applied in 1962
9 when there was trouble and I don't think it
10 applied in 1959 when there was a pitched battle
11 on Burlington Beach. I don't think it applied
12 particularly in the Canal case and I don't think it
13 applied particularly in the Taggart case. In fact,
14 whoever controlled the union at that time, in our
15 submission, did set in motion this pattern of
16 contract and did use these tactics as instruments
17 of policy. So, merely to get over the internal
18 difficulties in the Teamsters' Union itself would
19 not provide a major solution to the problem we
20 are talking about here.

21 I might say, generally, you preface
22 your questions by saying we are mainly concerned
23 with the Teamsters. That is quite true and the
24 facts that we have presented here do deal with
25 the Teamsters, because we know the Teamsters. They
26 are the people we have dealt with and they are the
27 people we have had problems with and have been
28 discussing here. We hope that our submissions
29 don't merely relate to the Teamsters and we hope
30 that any recommendations the Commission makes aren't

1 restricted to action against the Teamsters' Union
2 or any other specific union. We feel that these
3 things we know from the public press that the kinds
4 of things we are talking about here have happened
5 in connection with other trade unions. We feel that
6 the submissions we have made here are fair submissions.
7 We have tried to be fair throughout and we feel they
8 are in the public interest and can be accepted
9 and adhered to and lived with by any responsible
10 trade union.

11 MR. POLLOCK: Well, the only other
12 point that I want to know is if I can forward
13 on from the Commission to the Joint Council of the
14 Teamsters' Union, a copy of your brief?

15 MR. SOMMERVILLE: As the Commission
16 knows, the President of the Commission, Mr. Perkins
17 has made certain statements to the press relating
18 to the work of this Commission. We are delighted
19 that a copy of our brief be forwarded to the Teamsters.
20 It may be that you will consider sending transcripts
21 of this presentation and any other material
22 presentation with it as well. We would have no
23 objection whatsoever.

24 MR. POLLOCK: Thank you very much.

25 MR. SOMMERVILLE: At this time, Mr. Commissioner, we
26 have nothing further except to express our thanks
27 to the Commission for the hearing. This opportunity
28 has been one that has been long looked forward to
29 by the industry. I am sure many people say it but
30 we say it with all our hearts and I think the fact

1 that we met in 1966 to deal with this problem
2 before this Commission was established speaks for
3 itself. This is a matter of very deep concern
4 to us, and many of the people who sit with me at
5 this table today have been wondering how they can
6 express and communicate the views and the facts
7 that they have expressed to you and we have
8 appreciated this opportunity to do just that.
9 We thank you.

10 MR. POLLOCK: Thank you, gentlemen.

11 This Commission is adjourned until
12 10:00 o'clock Monday morning in Ottawa.

13 ---Adjournment.
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